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INDIAN STATUTORY COMMISSION

VOLUME XV.

EXTRACTS FROM OFFICIAL ORAL EVIDENCE

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PREFATORY NOTE

The extracts from oral evidence contained in this volume cover the more important portions of the evidence given, in the presence of the press, by officials in explanation or amplification of the expository and critical portions of the memoranda supplied by their Government.

As explained in the preface to Volume I of the Commission's Report, all evidence was taken by a Joint Conference consisting of the Statutory Commission, the Indian Central Committee and, in all the Governors' provinces except the Central Provinces, a Provincial Committee. A list of the members of these Committees is given on page iv.

References in the oral evidence to pages of the various Government Memoranda have been altered to correspond with the paging in the present Volumes IV to XIV.

This volume also includes a few written memoranda of an official character not contained in Volumes IV to XIV.

The Commission have suggested that the full text of the evidence given in the presence of the press, including portions omitted from the present volume as being of less importance, should be made available for inspection in London and India, and it is understood that this will be done.

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NOTE.—The composition of the Joint Conference is given at the beginning of each day's evidence, and is the same during the afternoon as during the morning session unless otherwise stated.

TABLE OF CONTENTS.

Witness.

BOMBAY (POONA). PAGE

MR. C. W. A. TURNER, C.I.E., I.C.S., Chief Secretary to Government of Bombay - - - - 1–20

MR. A. M. MACMILLAN, C.I.E., I.C.S., Collector of Ahmednagar - - - - - - - - 20–25

MR. G. WILES, C.I.E., I.C.S., Secretary to Government of Bombay, Finance Department - - 25–39

MR. F. C. GRIFFITH, C.S.I., O.B.E., Inspector-General of Police, and MR. H. F. KNIGHT, I.C.S., Secretary to Government of Bombay, Home Department - - - - - - - - 39–49

MR. G. WILES, C.I.E., I.C.S., Secretary to Government of Bombay, Finance Department—(*continued*) 49–52

MR. J. W. SMYTH, I.C.S., Secretary to Government of Bombay, Revenue Department, and MR. H. L. NEWMAN, I.F.S., Conservator of Forests - - - - - - - - - - 52–56

Memorandum by the Chief Justice and Judges of the High Court of Bombay - - - - - 57–61

PUNJAB (LAHORE).

MR. H. W. EMERSON, C.I.E., C.B.E., I.C.S., Chief Secretary to Government of the Punjab - - 62–82

MR. C. STEAD, C.B.E., Inspector-General of Police, Punjab - - - - - - - - - 83–89

MR. M. IRVING, C.I.E., O.B.E., I.C.S., Additional Secretary to Government of the Punjab, Reforms, and KHAN BAHADUR NAWAB MUZAFFAR KHAN, Joint Secretary to Government of the Punjab, Transferred Departments - - - - - - - - - - - - - - - 89–93

MR. J. G. BEAZLEY, C.I.E., I.C.S., Secretary to Government of the Punjab, Transferred Departments - - - - - - - - - - - - - - - - - - 93–102

KHAN BAHADUR NAWAB MUZAFFAR KHAN, Joint Secretary to Government of the Punjab, Transferred Departments—(*continued*) - - - - - - - - - - - - - - 102–112

Memorandum by the Judges of the High Court of Judicature at Lahore - - - - - - 112–113

BOMBAY (KARACHI).

MR. E. E. TURNER, Deputy Inspector-General of Police, Sind - - - - - - - - 114–117

MR. C. S. C. HARRISON, C.I.E., Chief Engineer, Lloyd Barrage and Canals Construction, Sukkur - 117–122

Note on the Financial Aspects of the proposed Separation of Sind, by Mr. G. Wiles, C.I.E., Secretary to Government of Bombay, Finance Department - - - - - - - - - - 123–124

NORTH-WEST FRONTIER PROVINCE (PESHAWAR).

MR. F. C. ISEMONGER, C.B.E., Inspector-General of Police, North-West Frontier Province - - 125–130

MR. H. A. F. METCALFE, C.I.E., M.V.O., I.C.S., Deputy Commissioner, Peshawar - - - - 130–136

DELHI.

MR. H. G. HAIG, C.I.E., I.C.S., Secretary, Home Department, and MR. J. M. DUNNETT, C.I.E., I.C.S., Officer on Special Duty, Home Department, Government of India - - - - - 137–153

MR. L. GRAHAM, C.I.E., I.C.S., Secretary to Government of India, Legislative Department, and MR. J. M. DUNNETT, C.I.E., I.C.S., Officer on Special Duty, Home Department, Government of India - - - - - - - - - - - - - - - - - - 154–162

SIR GEOFFREY CORBETT, K.B.E., C.I.E., I.C.S., Secretary to Government of India, Commerce Department - - - - - - - - - - - - - - - - - - 162–168

MR. G. S. BAJPAI, C.I.E., C.B.E., I.C.S., Secretary to Government of India, Department of Education, Health and Lands - - - - - - - - - - - - - - - 168–171

MR. A. C. MCWATTERS, C.I.E., I.C.S., Secretary to Government of India, Department of Industries and Labour - - - - - - - - - - - - - - - - - - 171–183

Memorandum by Sir F. Gauntlett, K.B.E., C.I.E., I.C.S., Auditor General in India - - - - 184–190

Memorandum by Mr. W. R. Barker, C.B., Chairman, Public Service Commission - - - - 191–211

Letter from Hon. Sir J. Thompson, K.C.I.E., C.S.I., I.C.S., Chief Commissioner of Delhi - - 534

PAGE

UNITED PROVINCES (LUCKNOW).

SIR IVO J. ELLIOTT, Bart., I.C.S., Secretary, Local Self-Government, Government of the United Provinces - - - - - - - - - - - - - - 212–224

MR. B. D'O. DARLEY, C.I.E., I.S.E., Chief Engineer, Irrigation, United Provinces - 225–228

MR. E. A. H. BLUNT, C.I.E., O.B.E., I.C.S., Finance Secretary to the Government of the United Provinces - 228–234

MR. T. SLOAN, I.C.S., Officer on Special Duty, Government of the United Provinces - - - 234–238

MR. F. F. CHANNER, O.B.E., I.F.S., Chief Conservator of Forests, United Provinces - - - 238–243

MR. R. J. S. DODD, C.S.I., I.P.S., Inspector-General of Police, United Provinces - - - - 243–248

MR. A. MONRO, I.C.S., Collector of Cawnpore, and MR. P. MASON, I.C.S., Superintendent, Dehra Dun District - 248–256

KUNWAR JAGDISH PRASAD, C.I.E., I.C.S., Chief Secretary to Government of United Provinces - 256–265

BIHAR AND ORISSA (PATNA).

MR. J. A. HUBBACK, I.C.S., Special Officer, Reforms, Government of Bihar and Orissa - - - 266–280

MR. P. C. TALLENTS, I.C.S., Finance Secretary to Government of Bihar and Orissa - - - 281–288

MR. W. SWAIN, C.I.E., Inspector-General of Police, Bihar and Orissa - - - - - - - 288–296

MR. J. A. HUBBACK, I.C.S., Special Officer, Reforms, and MR. P. C. TALLENTS, I.C.S., Finance Secretary to Government of Bihar and Orissa—(*continued*) - - - - - - - - - 296–302

MR. R. R. SIMPSON, Chief Inspector of Mines, MR. R. E. RUSSELL, I.C.S., Revenue Secretary to Government of Bihar and Orissa, and MR. D. C. GUPTA, Director of Industries, Bihar and Orissa - 303–311

Note by Mr. D. C. Gupta on Industrial Co-operation and Non-credit organisation in connection with the Co-operative Movement in Bihar and Orissa - - - - - - - - - - 312–313

ASSAM (SHILLONG).

MR. G. E. SOAMES, C.I.E., I.C.S., Chief Secretary to Government of Assam - 314–329

MR. W. C. M. DUNDAS, C.I.E., Inspector-General of Police, Assam - - - - - - - - 329–338

COL. G. HUTCHESON, I.M.S., Inspector-General of Civil Hospitals and Prisons - 338–342

MR. G. E. SOAMES, C.I.E., I.C.S., Chief Secretary to Government of Assam, and MR. A. H. W. BENTINCK, C.I.E., I.C.S., Revenue Commissioner, Assam - - - - - - - - - 343–348

MR. A. J. W. MILROY, I.F.S., Conservator of Forests, Assam - - - - - - - - - 349–353

BENGAL (CALCUTTA).

MR. W. S. HOPKYNS, C.I.E., O.B.E., I.C.S., Special Officer, Reforms, Bengal, and MR. R. N. GILCHRIST, I.E.S., Labour Intelligence Officer, Government of Bengal - - - - - - 354–368

MR. J. C. DRUMMOND, I.C.S., Secretary, Local Self-Government Department, Government of Bengal, MR. J. N. ROY, C.I.E., O.B.E., I.C.S., Commissioner, Burdwan Division, and MR. C. W. GURNER, I.C.S., District Officer, Mymensingh - - - - - - - - - - - - - - - 368–376

MR. E. O'SULLIVAN, Inspector-General of Police, Bengal, and SIR C. A. TEGART, C.I.E., M.V.O., Commissioner of Police, Calcutta - - - - - - - - - - - - - - - 376–385

MR. W. D. R. PRENTICE, C.I.E., I.C.S., Chief Secretary to Government of Bengal, and MR. W. S. HOPKYNS, C.I.E., O.B.E., I.C.S., Special Officer, Reforms, Bengal - - - - - - - 385–394

MR. A. CASSELLS, I.C.S., Secretary, Finance Department, Government of Bengal - - - - 394–405

HON. SIR G. C. RANKIN, Chief Justice, High Court of Judicature, Calcutta - - - - - - 405–417

HON. MR. A. MARR, C.I.E., I.C.S., Finance Member, and HON. SIR P. C. MITTER, C.I.E., Revenue Member, Government of Bengal - - - - - - - - - - - - - - - - 417–429

Memorandum by the Chief Justice and Judges of the High Court of Judicature at Fort William in Bengal - 430–432

BURMA (RANGOON).*

MR. J. J. ANDERSON, I.C.S., Offg. Commissioner of Tenasserim - - - - - - - - 433–445

MR. H. W. A. WATSON, I.F.S., Chief Conservator of Forests, Burma, and MR. A. R. MORRIS, I.C.S., Secretary to Government of Burma, Forest Department - - - - - - - - - 445–450

MR. A. E. GILLIAT, C.I.E., I.C.S., Finance Secretary to Government of Burma, and HON. MR. S. A. SMYTH, C.S.I., I.C.S., Finance Member, Government of Burma - - - - - - - - 451–457

MR. J. CLAGUE, I.C.S., Chief Secretary to Government of Burma, and LT.-COL. R. W. MACDONALD, C.I.E., D.S.O., Inspector-General of Police, Burma - - - - - - - - - - 457–467

* For evidence given by MR. R. K. HARPER, I.C.S., Collector of Rangoon, *see* Vol. XVII., p. 383.

PAGE

MADRAS.

MR. S. V. RAMAMURTI, I.C.S., Secretary, Madras Provincial Committee (formerly Reforms Officer, Madras) - - - - - - - - - - - - - - - - - - 468–477

MR. A. Y. G. CAMPBELL, C.S.I., C.I.E., C.B.E., I.C.S., Chief Secretary to Government of Madras - 477–485

MR. C. A. SOUTER, I.C.S., Secretary, Public Works and Labour Departments, Madras; lately Agent for Vizagapatam - - - - - - - - - - - - - - - - - - 485–486

MR. HILTON BROWN, I.C.S., Secretary, Local Self-Government Department, Madras - - - 486–498

MR. S. H. SLATER, C.I.E., C.M.G., I.C.S., Labour Commissioner, Madras - - - - - - 498–504

MR. F. A. HAMILTON, Inspector-General of Police, Madras, and MR. G. B. CUNNINGHAM, Commissioner of Police, Madras - - - - - - - - - - - - - - - 504–508

MR. H. A. WATSON, I.C.S., Financial Secretary, Government of Madras - - - - - - - 509–515

Memorandum by Hon. Sir V. M. Coutts Trotter, Chief Justice, High Court of Madras - - - 516

CENTRAL PROVINCES (NAGPUR).

MR. H. C. GOWAN, C.I.E., I.C.S., Chief Secretary to Government of the Central Provinces - - 517–525

MR. N. J. ROUGHTON, I.C.S., Finance Secretary to Government of the Central Provinces - - 525–531

Memorandum by Mr. A. Rodger, O.B.E., Inspector-General of Forests - - - - - - - 532–533

Letter from Hon. Sir J. Thompson, K.C.I.E., C.S.I., I.C.S., Chief Commissioner of Delhi - - 534

LIST OF MEMORANDA, ETC., CONTAINED IN THIS VOLUME.

Memorandum by Chief Justice and Judges of the High Court of Bombay - - - - - 57–61

Memorandum by the Judges of the High Court of Judicature, Lahore - - - - - - - 112–113

Note on the Financial Aspects of the proposed separation of Sind, by Mr. G. WILES, C.I.E., I.C.S. - 123–124

Memorandum by SIR F. GAUNTLETT, K.B.E., C.I.E., I.C.S., Auditor-General in India - - - 184–190

Memorandum by MR. W. R. BARKER, C.B., Chairman of the Public Service Commission - - 191–211

Note on Industrial Co-operation and Non-credit organisation in connection with the Co-operative Movement in Bihar and Orissa, by MR. D. C. GUPTA - - - - - - - - - - - 312–313

Memorandum by the Chief Justice and Judges of the High Court of Judicature at Fort William in Bengal - 430–432

Memorandum by HON. SIR V. M. COUTTS TROTTER, Chief Justice, High Court of Madras - - 516

Memorandum by MR. A. RODGER, O.B.E., Inspector-General of Forests - - - - - 532–533

Letter from HON. SIR J. THOMPSON, K.C.I.E., C.S.I., I.C.S., Chief Commissioner of Delhi - - 534

Invitation to submit Memoranda to the Commission - - - - - - - - - - 535–536

DOCUMENTS TO WHICH FREQUENT REFERENCE IS MADE.

Committee on Financial Relations between the Central and Provincial Governments in India.	Meston Committee Report.	Cmd. 7240/1920.
Report of Taxation Enquiry Committee, 1925 - - - -	Todhunter Committee Report.	Government of India publication.
Report of North West Frontier Enquiry Committee, 1922 - -	Bray Committee Report.	Government of India publication.
Report on Indian Constitutional Reforms - - - -	Montagu-Chelmsford Report.	Cmd. 9109 of 1918.
Report of the Committee appointed by the Secretary of State for India to enquire into questions connected with the Franchise and other matters relating to Constitutional Reforms. (Chairman: LORD SOUTHBOROUGH.)	Franchise Committee Report.	,, 141 of 1919.
Report of the Royal Commission on the Superior Civil Services in India.	Lee Commission Report.	,, 2128 of 1924.
Report of Reforms Enquiry Committee - - - -	Muddiman Committee Report.	,, 2360 of 1925.

POONA.

Dated, 15th October, 1928.

PRESENT :

ALL MEMBERS OF THE COMMISSION AND OF THE CENTRAL AND THE BOMBAY PROVINCIAL COMMITTEES.

Mr. C. W. A. TURNER, C.I.E., I.C.S., Chief Secretary to the Government of Bombay.

The Chairman : Before we call in our first witness, I think it may be well for me to make a few remarks to the Conference as a whole, though I have no intention of occupying precious time by any formal introductory speech. The Section of the Government of India Act under which the Commission is appointed, and the Warrant of Appointment itself, lay down accurately the purpose and scope of the inquiry which the Commissioners, with the help of their colleagues who compose the Central and Provincial Committees, are about to undertake. I think it is well to quote the words. We are appointed " for the purpose of inquiring into the working of the system of government, the growth of education and the development of representative institutions in British India, and matters connected therewith." The Section is, of course, Section 84*a*.

So far as the growth of education is concerned, this branch of the inquiry is for the moment in the hands of an auxiliary committee composed of 3 British and 3 Indian members, and its Chairman hopes to be able to furnish to us, at any rate by the end of December, the results of the review which that Committee is engaged in making. Later on in our tour—next year—with the help of the Central Committee, which will be going round India with us, we shall examine this document drawn up by the auxiliary committee, and we hope to have the advantage of discussing it with the Education Committee.

In the same way, we have made arrangements by which the different Provincial Committees will have the opportunity of meeting us in the latter part of our tour, and this review drawn up by the Education Committee will be one of the subjects which no doubt they will like to confer with us upon. But in view of the inquiry which is now being conducted by this auxiliary committee, the Conference came to a decision, at its private preliminary meeting on Saturday last, not at present to examine witnesses with reference to education. It would be convenient, I think, if the gentlemen of the press would be good enough to note that, and to note the reason for it. It is not that we do not treat it as a most important part of our inquiry ; it is that we do not wish to duplicate effort and to waste time.

Then there is another consideration which must be borne in mind and which will help us all to make the best use of our time. There are a number of very important subjects which are within the scope of our inquiry which crop up in the memoranda again and again and in almost every Province. Now, we must organise our inquiry so as to avoid needless repetition. It must not be supposed, therefore, that we are neglecting an important subject because it is not made the topic of extensive evidence at every place in India that we visit. There will be a number of cases in which the convenient and practical course will be to examine into the topic thoroughly at some one place, and though we examine it at this one place our examination none the less will have its bearing upon the question wherever it arises in India.

Let me give one or two examples. The European Association and the Associated Chambers of Commerce have presented us with important memoranda. These memoranda, of course, must not only be studied but they must be investigated with the help of witnesses. But the Conference could not contemplate hearing witnesses, even on so important a subject as that, over and over again in every centre that we visit. I have made some inquiries in this particular case, and I believe it will be found to be the convenient course to take what I may call the main case of the European Association—and I should have thought of the Associated Chambers of Commerce too—at Calcutta. All we want to do is to arrange it in the way that is most convenient. Unfortunately you cannot always succeed in that, but obviously we have to choose some great business centre and then devote ourselves to considering this important case with all proper fullness and care. But at the same time, of course, if there is some special feature which one or other of the branches in India raises elsewhere and which needs evidence, we should not, I think, exclude the possibility of hearing that evidence on the spot. To take an example, here in the Bombay Presidency the Bombay Chamber of Commerce has contributed a memorandum which, amongst other things, refers to this very serious question of the proper financial relations between the Presidency of Bombay and the Central Government. Well, it may be—I merely mention it as a possibility—that a witness at any rate on that side of the matter from the Chamber of Commerce here may be thought by the Conference to be a useful witness to hear. But I would deprecate the idea that we can go through the main case again and again in every place to which we go.

I will give another instance or two. I feel sure Dr. Ambedkar and Rao Bahadur Rajah will agree with me that the case of the Depressed Classes is unquestionably a very important case, to which I am quite sure we shall all wish to give adequate and careful attention ; but I do not think we could be expected to go through that case in detail in every single place that we visit. In this particular Presidency we have the advantage of a memorandum on this subject for which I believe Dr. Ambedkar himself is partly responsible, as well as other memoranda ; and it may be, and in fact I think it would be, useful to spend some time on that subject here in the Bombay Presidency. But my inclination is to think, though I have not yet been able to consult all my colleagues about it, that the main case may possibly have to be investigated later on, say in Madras.

The same general consideration applies to that very important community, the Anglo-Indian community. We certainly could not go over that ground again and again in every centre. I think, gentlemen, it is true that we must concentrate on particular places for our main investigation into big questions. I think myself that this is true—I throw it out to you as a suggestion—even of matters which are of such widespread and general importance and difficulty as the communal question. I do not say there will be any province of India where that question is prominent that would not rightly expect us, while we were in the Province, to hear some evidence, as well as give our personal attention to the matter ; but I think we must contemplate going into it in what I may call general and abstract terms at one or two great centres. One would think, for example, that the Punjab and perhaps Bengal were places where it would be desirable to go into that great issue which you are going to help us to elucidate and illuminate in greater detail than elsewhere.

There is one other observation I wish to make before we begin. I venture to think it is an observation of very great importance, and I would most respectfully press it on the attention of my Indian

colleagues. We must remember that the first task which is thrown upon the Commission is the task of giving, to the very best of its power, a true description of the working of the constitutional machine in India. Before one comes to remedies, before one comes to changes, before one comes to the question of new constitutions, it is extremely necessary that, with the special help of our Indian colleagues and of the witnesses, the Commissioners should be put into the position of being able to give a just, fair, sympathetic and honest account of the working of the Reforms. I need hardly say I am not prejudging the matter in the least; I am anxious to begin by learning from witnesses and from our conferences together. But I would beg you not to be impatient if we spend a good deal of time in trying to understand in a good deal of detail what, in fact, is the structure and what, in fact, is the working of this necessarily complicated machine; for, believe me, nobody—not even the greatest constitutional authority, with the most intimate knowledge of Indian affairs—can wisely prescribe for any disease until he has conducted a proper diagnosis.

* * * * * * * * *

16. * * * (To Mr. Turner): Since 1924 you have been Secretary of what is called the General Department here in this Presidency, and, as such, the scope of your Secretariat work has included some transferred subjects, such as local self-government, education, medical administration and public health, and has also included some reserved subjects, such, for instance, as marine subjects ?—That is correct.

17. Is that arrangement, by which a Secretary in a Department may find that for some purposes his political chief is a Minister and for other purposes a Member, common in the organisation of departments, or is it peculiar to your case ?—It is common to the Revenue Department and the Public Works Department.

18. Then I think (so that we may not omit any part of your multifarious duties) you have been acting as Chief Whip for the last two sessions, have not you ?—I have.

19. The subject about which I wish to ask you a few questions is on the transferred side. I am going to use this book (the Memorandum prepared by the Government of Bombay)* merely as a convenient means of bringing your mind to the point. Turning to page 159, para. 192 will call to your mind the sort of point I have in mind. In the Presidency of Bombay, I gather from a study of these papers, separate electorates appear to exist not only for the purpose of election to the Provincial Council but for the purpose of election to the smaller local government units ?—That is so.

20. I think some of my Indian colleagues will agree with me that that is not so in all parts of India. It is therefore rather important to see how it works here. It does not apply, I think, in Madras, for instance. Let us take the local self-governing bodies in this Presidency. There is a useful list of them on page 101: Municipalities; Local Boards; Village Panchayats; Notified Areas; Sanitary Committees; Sanitary Boards; Cantonments. Cantonments come under a special head; and we can leave them out. Let us take Municipalities first of all. We realise that there is, first of all, the great Municipality of Bombay, which for some purposes stands alone and, like London, has its special code of laws. Then you have the major municipalities and then you have the other municipalities, not so great. To what extent does communal representation prevail in choosing the councils that govern these different kinds of municipalities ?—In Bombay City there has never been any communal representation.

21. The elections are by wards, I suppose ?—Yes.

22. And there is a general list of voters ?—Yes. There has never been any communal representation there. In the major municipalities communal representation was introduced for the first time by the Act of 1925 which constituted these major municipalities. That is the first time communal representation was introduced by statute.

23. 1925 ?—That, of course, was after the Montagu-Chelmsford Reforms ?—That is so.

24. And of course it was by an Act of the Bombay Legislature ?—Yes.

25. What about the smaller municipalities ?—For the smaller municipalities communal representation does exist; it was introduced by rules under the rule-making powers of Government in 1917.

26. When you speak of communal representation you mean, I suppose, that there is a separate list for Muhammadan voters ?—A special ward; sometimes one for the whole place and sometimes more.

27. Anyhow, they vote together and choose their own member ?—Yes.

28. Is there, in the local self-government of this Presidency, any communal representation for any community except the Muhammadan ?—No.

29. I think we will keep for the moment to the municipalities. If my colleagues will turn to page 110,* they will find para. 124 deals with the absence of communal representation in Bombay City. I see that in the Corporation of Bombay City there are at present 80 elective seats, and then there follows a statement as to how these seats are distributed between the different communities. I do not know if those lists are fairly up to date ?—Yes, they are up to date.

30. We may take them as fair, anyway ?—Yes.

31. Just let us look at them; it is worth while repeating them. Out of the eighty elective seats, 25 are held by advanced Hindus, 10 by intermediate Hindus, none by the Depressed Classes, 14 by Muhammadans, 21 by Parsis, and 10 by Christians and Jews. Then there follow 10 seats which are filled by co-option ?—Yes.

32. Then I think the next point of interest is the figures of the distribution of the elected members. I should just like to ask this as we go. 21 out of 80 seats are held by Parsis. * * * I had thought that in point of numbers the Parsi community was a very small percentage of this great City of Bombay ?—Very small indeed. I speak subject to correction, but I do not think it exceeds 10,000.

33. I am told it is about 10,000, whereas the total population of Bombay is 1,175,000 ?—Yes.

34. How did it come about that, with a non-communal electorate, a general electorate, a very small community of 10,000 people got 21 representatives out of 80 elective seats ?—Because the community are very influential in Bombay; they are very influential in business, they are very highly educated and very advanced as compared to all other communities. I think that is the reason.

35. Let us go back a bit. Can you conveniently tell me, roughly, the sort of proportion in the population of Bombay City, or in the electorate of Bombay City, which the Muhammadans would constitute ?—Again I speak subject to correction. I should say about 20 per cent. of the population.

36. 19 or 20 per cent., I am told, is the figure. Are you speaking of the whole population ?—Of the whole population.

37. Not simply contrasting Hindus and Muhammadans ?—No.

38. 19 or 20 per cent of the whole ?—Yes.

39. One notices that, constituting about 19 per cent. of the whole population, and there being no communal representation in the city, the Muhammadans are getting 14 seats out of 80 ?—That is so.

40. Is there anything you would think it useful to add by way of explanation or comment on that ?—Well, again, the Muhammadan community includes the Borahs and the Memons, who are very influential in the industrial world, many of them.

41. The Borahs are Shias ?—Yes. Many are large

* Vol. VII.

mill-owners, who undoubtedly have very great influence over the voting of their clerical and other staffs.

42. While we are about it, what is the sort of percentage which the Hindus bear to the total population of the City of Bombay ?—I was going to say about 75 per cent.

The Chairman : I find it at page 481.* It is quite worth while looking at it. There is a table there giving the figures of the electorate for the Legislative Council. It is not quite the same thing, but it gives you an idea. For the Legislative Council in Bombay City, if you take the top line of the figures, you get, apparently, a population—I am not for the moment talking about voters—a population of 184,000 Muhammadans and 976,000 Non-Muhammadans, which translated into voting strength, means 21,766 Muhammadans and 97,937 Non-Muhammadans. I suppose, of course, the figures would not be exactly the same when you came to the municipal list ; but still, it gives you a rough idea.

A Member : There is no other franchise for the Corporation : it is the same franchise.

The Chairman : I am much obliged to you. So that although there is no communal electorate, you may take it that the voter is the same voter ?

The Member : Yes.

43. Then is this the correct result in fact, Mr. Turner, that as far as the City of Bombay is concerned you have, of course, a very large majority of the population Hindu, but as it turns out, when you come to elect to the municipality you get 35 Hindu members out of 80 ? Is that correct ?—Yes.

44. What do you think about it ? Do you think that in the City of Bombay, where no doubt you concentrate a great deal of political education and intelligence, the situation there, where there is no communal representation, is really different from the situation elsewhere in the Presidency, where there is communal representation for local self-government ?—Yes. I think there is a difference. Take, for instance, the case of Poona. There are roughly 12,000 Muhammadan population in Poona City, but prior to the introduction of communal representation there, I believe I am right in saying, no Muhammadan candidate had ever got in for the municipality. He only got in by nomination.

45. Now let us go for a moment to the country, and take the district councils. There are, are there not, 27 districts in the Presidency of Bombay ?—That is so.

46. While we are about it, I might ask you this question in case I forget it. You have very long administrative experience. In so immense an area —I think the Presidency of Bombay is bigger than the whole of Italy—27 districts must mean that some of the areas or districts are very big. Have you a view, and do you think it well to express it, as to whether the existing areas for local self-government are of a right sort of size for efficient administration ?—I think under the present conditions, the new conditions, the district local board area is rather on the large, unwieldy side. You see, in the old days the Collector was the Chairman of the district local board, and he had under him all his revenue officers, mamlatdars, and so on, who did all the local board work in with the Revenue work, and it was quite possible to keep control, and keep the work efficient in that area ; but now, when the whole staff is taken away from the Collector, and is placed under a non-official, I think it is rather difficult for him to keep adequate control over all his subordinates. The distances are pretty great. I can tell you of one district which I know very well, Ahmednagar.

47. You were the Collector there ?—I was there. It is roughly the size of Yorkshire in area. It has twelve talukas, two mahals, and 1,200 villages.

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48. I think we will just go into these 27 districts. How far are there, in the Presidency of Bombay, communal electorates for district boards ?—There are communal electorates for district boards.

49. For all of them ?—Yes.

50. And that again, if I understand rightly, is by no means the universal rule. It is not so in Bengal ; it is not so in Madras. When did that arise in the district boards ?—It was first introduced in Sind in 1917.

51. We are going to deal with the special case of Sind at Karachi, and I will not be led into dealing with it now at any length ; but one can see, of course, that Sind presents a very special problem ?—Yes.

52. Just to recall my memory of it, I think Sind has a population of about $3\frac{1}{2}$ million people, of which something like 75 or 76 per cent., or $2\frac{1}{4}$ millions, are Muhammadans : is that right ?—Yes.

53. And, of course, there are districts in which the Muhammadans are in a perfectly overwhelming majority ?—Yes.

54. A communal electorate for district boards was introduced into Sind first, was it ?—Yes.

55. Do you happen to know when it was introduced into the other districts ?—It came in for all in 1923, under the Local Boards Act of that year.

56. And that was, of course, carried by the Bombay Council ?—Yes.

57. Perhaps we might ask, though it is rather a different branch of the subject, was that Act carried with the support and approval of the Bombay Government ?—I was not on the Council then, but it must have been.

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59. I read in para. 117 of the Memorandum* : " It has already been stated that prior to the intro- " duction of the Reforms, the Government of Bombay " were opposed to the system of communal repre- " sentation for the purposes of the municipal franchise " in the Presidency proper." That, no doubt, does not mean for the City of Bombay ; it means for the other municipalities ?—Yes.

60. " But after the formation of special communal " electorates for elections to the Legislative Council, " the principle of separate representation for Muham- " madans in connection with election in municipal " boards was accepted by Government." And then a little lower down I read : " Of the 157 munici- " palities in the Presidency, all except 11 now " possess separate wards for Muhammadans." So evidently the thing has been carried out nearly universally ?—Yes.

61. That is in the municipalities ; and you say it has been done in every single district ?—Yes.

62. I do not wish at all to ask you an embarrassing question, and different people will have different views ; but in the light of your own experience I do not know whether you have formed a view, or whether you can express one, as to whether in the circumstances of this Presidency you think that arrangement is one which has led to more satisfactory representation and better administration, or not ? —I think it is fair to say that it has led to more satisfactory representation of the minorities, but I would not go so far as to say that it has led to more satisfactory administration.

63. Now perhaps you will let me ask you a question on a rather different point. You referred just now to the fact that in the old days, as we know, the Collector was the *ex-officio* Chairman of the District Board, and I suppose, in many cases at any rate, of the municipalities in his area ?—Of the head-quarter municipalities, yes, he was.

There again, as my colleagues on my left will be the first to remind me, the practice in British India to-day is not quite uniform. My recollection is—we shall learn it as we go into more detail—that though it has been abolished in Madras, there are one or two districts where there is still, I think, an official presiding over the District Board : is not that so, Mr. Rajah, up in the hills ?

Rao Bahadur Rajah : Yes, only for the district board ; not for the municipalities.

* Vol. VII.

64. *The Chairman*: Now, this is the thing that has interested me, Mr. Turner. As long as the Collector was the *ex-officio* chairman of a district board, the arrangement was one which secured that the Chairman of the District Board would be linked up with the Commissioner, and the Commissioner in his turn would be linked up to the head of the department at Bombay; so that while you had a local administration going on with the local board, at the same time there was a real connection with the centre which enabled the centre, in case of need, effectively to control the local body?—Yes.

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66. * * * Do you consider, or do you not consider, that the removal of the *ex-officio* chairman and the substitution of an elected chairman has any bearing on the exercise of the supervising control by the central department over the local body? What do you think about that?—Well, sir, on paper, according to the Acts of 1923 and 1925, the control sections are practically the same as they were prior to the reforms; but in practice there is, to my mind, no doubt that the control has become less strong, less efficient, than it was before the reforms. It is a little difficult to say why, and to give reasons. It is partly, I think, because district officers have had it rather rubbed into them that they should not interfere more than they can possibly help in local board affairs. The result is that these control sections in the Acts are what we might call "bludgeon" sections. That is the word we use out here. It means they are sections givings powers to smash the boards, not to guide them; and there is an absence, I think, of guidance which these boards very much need.

67. Control from the centre does not necessarily mean using a bludgeon; it may mean using an inspector.—Under the Acts we have not got any inspectors working directly under the Ministry.

68. Of course, this line of inquiry, it will be clearly understood, is not directly connected with the question of dyarchy; the question really is whether there is, at present, a sufficiently strong connection between the departmental chief, whoever he may be, and the local body. I think you say that on paper there is; but you doubt whether it acts really as effectively as it did under the old system?—Yes, in practice that is so.

69. Is there a system of audit conducted by the officers of the Ministry?—No. There is an audit conducted by what is called the Local Government Audit Department under the Accountant-General.

70. I do not mind what it is called. What I am interested in is what sort of a body it is. Is it an audit conducted as it were from head-quarters or through officers who come from head-quarters, or is it conducted by a servant of the local bodies?—It is done from head-quarters, entirely independently of the local body.

71. I do not want to go into the education side of it, * * * there is a committee which is dealing with that. But, to take a single illustration, in some countries education, which is in the fullest sense in the hands of popularly-elected local bodies, none the less is controlled in case of need by the central educational board through a very effective system of inspectors. I am not clear how far that organisation obtains in this Presidency?—There again under the Primary Education Act of 1923 the control of primary education has been transferred to bodies called local authorities who were established under that Act. Those bodies have under them their own supervisors and their own inspectorate in each district. Government retain a much smaller cadre of inspectors than they had formerly, to inspect the work of these local authority inspectors.

72. I will not go further into this, because we shall find ourselves breaking ground in regard to education which it would be a pity to do now because we shall have to do it later. I wanted to know whether there was a similar and analogous system in connection with local government bodies?—There is not. We have not any inspectors under the Ministry—no inspectors of local self-government bodies under the Ministry.

73. That is what I meant. When you said the method was the bludgeon, I said there might be the method of inspectors, as in England, where there is the Local Government Board inspector, who on occasion goes down to hold an inquiry. In that way we try to keep for the Ministry in case of need a control over the local bodies. You see that?—Yes. As I said, the district officers have the power of inspection. They are not inspectors of local self-governing bodies, but they have the power of inspecting the offices of the local self-governing bodies in their district.

74. I see. Lord Burnham points out to me, and it may be useful to my colleagues to be reminded, that on page 137* there is an account of this local board audit, and, as I follow it, it is really the Collector to whom the accounts of local boards are submitted, in a prescribed form. Is not that right?—Yes, they submit a copy of the budget to the Collector.

75. "Local boards are required to prepare budget "estimates every year"—it is not so much accounts as budget estimates—"and to submit a copy of the "budget as approved by them to the Collector." Does it really come to this, that under the system in this Presidency a local board with its own elected chairman carries on its own work without the Collector being a member, but the budget estimates are submitted to the Collector?—Yes.

76. Is that with the idea that the Collector in case of need may criticise them or report to head-quarters?—Yes, he has that power. There is nothing to prevent him doing so, but it is very rarely done.

77. I think you said just now you thought of recent years there was rather a strong indication given to Collectors that they ought not to interfere or criticise except in very extreme cases?—That is so.

78. You might for this purpose turn back to page 59,* and I will put a question. I will read out a passage from the middle of page 59: "During the "past three or four years the growth of Brahmin and "non-Brahmin strife in the Deccan and Karnatak "districts and of Hindu-Muhammadan tension "throughout the Presidency has had a serious effect "on the administration of local self-governing bodies "in this Presidency." It is true this passage occurs in a discussion about education, but you refer back to it when talking about local government. Is it your view that that sentence would be true if you thought about the local self-governing institutions?—Quite true.

79. I see that the view here expressed is this. It goes on to say that this unhappy tension (which I am sure everybody deplores; about that at least we shall all agree) is causing a loss in efficiency?—There is not the least doubt of that.

80. What are your reasons for saying that?—Take a board having a non-Brahmin majority. This has happened in the case of two boards recently. They have steadily put in men more because they were non-Brahmins than because they were qualified for their posts. The result is obvious.

81. That is to say, you think it has resulted in appointing people not because of their qualifications but because of their particular racial or religious connection?—I am afraid so.

82. I suppose the local authority which imposes its local taxes, cess and so on has also the responsibility of collecting them?—That is so.

83. Do you regard the extent to which the taxes are collected as satisfactory?—No. There has been a steady deterioration since 1916.

84. In local self-governing bodies?—Yes.

85. What is the reason for it?—I must add that the deterioration has been very much more marked in municipalities than in local boards, because the local board revenue is almost entirely the local fund cess; i.e. one or two annas in the rupee on land

* Vol. VII.

revenue, and is collected with the land revenue by the Government collecting staff. On the other hand, the taxes of the municipalities are collected by their own staff, and it is in the municipalities that the arrears of outstanding taxes have gone up so much of recent years.

86. Are there any figures about it ?—Yes, there is a statement here—Appendix K.*

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88. With regard to local boards you say the position is not so serious, for one thing because the revenue is collected by means of an additional percentage on land revenue. Where that method can be applied it is a very good way ?—A very good way indeed.

89. But there is no land revenue in municipalities, and therefore you cannot apply it ?—You cannot apply it.

90. Mr. Hartshorn asks this question; which I will put for him. Probably there is some limit of time within which you must pay your taxes—6 months or something ?—Yes. They issue notices of demand.

91. 1918–19 is before the Montagu Reforms ?—Yes, but communal representation began in 1917.

92. You attribute it to that ?—Very largely.

93. Will you explain to me what the connection is between communal representation in a municipality and arrears in the collection of revenue ?—If the majority of the board are of one community it is very difficult to get them to bring any pressure on the taxpayers of their community to pay their taxes. That is our experience.

94. An unwillingness to pay your rates is by no means peculiar to India !—I know that !

95. But we have to pay them. What is the method here ? Is there a power of distraint ?—Yes, but it is not used very largely.

96. It is exercised on the orders of the municipal council or committee ?—Yes.

97. Evidently it is not always used ?—It is not sufficiently used, certainly.

98. At any rate, you definitely connect that state of affairs with communal representation ?—I say it has been intensified by that. It existed before, of course, but it has got worse.

99. *Major Attlee* : Originally your mode of administration depended on the Collector ?—Yes.

100. He was the Chairman of the Board and very often of the municipality too. He was the executive officer, and he used his staff, I take it, for carrying on the district board work ?—Very largely for the local board work, but not so much for municipal work. For that he had under him a separate municipal staff, paid by the municipality. He did not use his revenue staff directly in the municipal area, but indirectly he was able to exercise a considerable influence through them.

101. Did he recruit his own municipal staff ?—Yes, very largely.

102. When he was removed you had an honorary chairman. Is that chairman practically the executive officer of the district board ?—He has under him a chief officer who is the real executive officer.

103. Who is the official corresponding to the town clerk ?—The chief officer. There is a chief officer under the district board and also under the municipality.

104. What status has he ?—It depends on the size of the body. In most local boards he is a man on Rs. 400 to 500 a month.

105. Are there any conditions laid down as to qualifications ? The point at the back of my mind is this, that in England you have a very strong municipal civil service consisting of your town clerks and so on, and a certain standard. I do not know now far that obtains in your local board work particularly ?—Under the Major Municipalities Act the chief officer must be a graduate of a University or a qualified engineer.

106. And for a district board ?—I do not think any qualification is actually laid down.

107. Is there any security of tenure for municipal officers ?—Yes, these chief officers cannot be removed except by a two-thirds majority.

108. Does that apply to the chief officer of a district board ?—Yes, as far as I remember.

109. *The Chairman* : I think you will find what you are looking for at the bottom of page 108* : " The " Chief Officer . . . must be a graduate of a recog- " nised University or a qualified engineer " and so on ?—That is for the municipality.

110. * * * Lord Burnham puts this question : has the sanction of the Minister of the department to be obtained before the officer of the municipality is dismissed, or does the two-thirds vote do it whatever he says ?—The two-thirds vote does it.

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111. *K.S. Abdul Latif Haji Hajrat Khan* : About the middle of page 59* it is said : " During the " past three or four years the growth of Brahmin " and non-Brahmin strife in the Deccan and Karnatak " Districts and of Hindu-Muhammadan tension " throughout the Presidency has had a serious effect " on the administration of local self-governing bodies " in this Presidency." Can you point out a single instance in which the district local board was suspended due to Hindu-Muhammadan tension, for inefficiency ?—No, there has been no instance due to Hindu-Muhammedan tension.

112. *The Chairman* : You were emphasising *Hindu-Muhammadan* tension. Had you some other tension in mind ?—I meant Brahmin and non-Brahmin tension.

113. *K.S. Abdul Latif Haji Hajrat Khan* : Have the Muhammadans any voice in the local boards or municipalities ? Are they in a majority ?—In which municipality ?

114. Any ?—In Sind.

115. I am speaking of the Presidency ?—No, not in the Presidency anywhere.

116. *Rao Saheb Patil* : May I ask you whether the case prepared by the Bombay Government was prepared in consultation with Ministers ?—Yes, it was.

117. Do not you think that in the interests of fairness when any local body is to be suspended, a fair, open and impartial inquiry should be made and a full hearing should be given to the parties concerned before any action is taken ?—I think that is the course generally adopted.

118. There is only a departmental inquiry. What I mean is, there ought to be an open, impartial inquiry of a judicial nature, practically, so that the other parties may be given a full chance of presenting their case, and then the Government may pass an Order for suspending the body ?—I think that would be rather a slow and expensive form of inquiry.

119. Slow ?—Yes.

120. A judicial inquiry a slow inquiry ?—Yes.

121. And a departmental inquiry ?—It is quicker, certainly.

122. But in the interests of justice, never mind if the inquiry is slow ; but in order that fair justice should be done to the local body, is it not necessary, in your opinion, that a judicial inquiry should be made before any Order of suspension is passed ?—That is not my experience. I think the inquiries have been perfectly fair, perfectly straightforward.

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123. *Rao Saheb Patil* : * * * Do not you think that whenever the question of maladministration of a local body arises, after a full inquiry is made, before the body is suspended, the parties concerned only should be taken to task, and the body represented should not be deprived of the right of franchise. That should be by election, do not you think so ?—I am afraid I cannot agree. What you mean is, you prefer dissolution ; you think dissolution should be tried before supersession. You advocate dissolution rather than supersession ?

* Vol. VII.

124. Yes.—Well, I can tell you that in one case a municipality not far from Bombay was dissolved, and at the next election exactly the same representatives were returned by the electors.

125. But those persons who were found guilty are disqualified to be members ?—But how can you ?

126. Those persons actually responsible for the maladministration should be disqualified from standing.—Under the existing law there is no power of disqualifying them. If you are prepared to pass an Act in the Council it might be effective.

127. Now, so far as the Bombay Corporation goes, do not you think that the representation of the intermediate classes is not adequate in proportion to the population ? The number is only ten ?—Yes, the representation is rather small.

128. *Syed Miran Muhammad Shah* : Do you know if Muhammadans could get any representation in the municipalities in Sind before the introduction of communal representation ?—I believe it was very difficult.

The Chairman : That is very interesting. That is so, is it ?

129. *S. M. Muhammad Shah* : Yes, sir. (To the Witness) : What sort of control does the audit department exercise upon the finances of the local self-governing body ?—Well, I do not think, if you use the word " control " in its strict sense, that they have any control at all. They simply report the irregularities, and it is for the Commissioner and Government to use their powers of control on those reports.

130. And I suppose the Government takes action upon those remarks ?—They do, on occasions where it is required.

131. I suppose local school boards are subordinate bodies to the district local boards and municipalities ? —Yes.

132. Does Government exercise any control or supervision over those bodies, or not ?—Over the school boards ?

133. Yes, directly ?—No.

134. Then there are senior assistant education inspectors appointed for the purpose of supervising the working of the school boards. Is that not so ? —Well, they are working so far as the standard of education is concerned. That is the duty of the Government inspectorate.

135. And they make a report ?—Yes, so far as the standard of education is concerned.

136. Do you take any action upon the defects pointed out by them ?—So far as I know the Director of Public Instruction and the inspectors act on the reports submitted to them.

137. They do ?—So far as I know.

138. Does the budget of the school board also pass through the Collector and the Commissioner ?—No. So far as I know, no. You know better than I do about that.

139. Yes ; they do.—I did not know they did.

S. M. Muhammad Shah : I mean, sir, to point out and to make it clear that the Government does exercise considerable control with reference to the finances of the local bodies, as well as the school boards.

The Chairman : I am much obliged.

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140. *Sir Arthur Froom* : One or two questions arising out of the question of taxation levied by municipalities and local bodies, on which I think Mr. Turner said that local bodies were in a happier position than municipalities. I should like to ask Mr. Turner whether local bodies, such as district boards, exercise their full powers of taxation. May I put it in another way ? I understand that local bodies have powers to exercise a tax up to 2 annas. Do they always exercise the full powers up to 2 annas ? —Except in Gujarat, practically all the districts have raised their local fund cess from $1\frac{1}{2}$ to 2 annas.

141. They are taxing up to the full, within their powers ?—Yes, including Sind. Gujarat alone refused to do so.

142. One other question about the Bombay municipality. On the Bombay municipality there is no communal representation, but the arrangement of wards in Bombay does result in a certain amount of communal representation : I mean, one ward, it is known, must return Muhammadans, because all Muhammadans live in that ward.—That may happen. They all live in special quarters.

The Chairman : That explains what I was wondering, Sir Arthur—whether there were not special geographical circumstances.

Sir Arthur Froom : It amounts to much the same thing.

The Witness : Strictly speaking, it is not supposed to be done on those lines, but in fact in some wards Muhammadans are in the majority, and in other wards Parsees.

143. *Sir Arthur Froom* : I think you said that local communal representation has not improved administration. Had you in mind Brahmins against Non-Brahmins or Muhammadans against Hindus ? —More Brahmins against Non-Brahmins.

144. Not so much Muhammadans against Hindus ? —Of course, that affects Sind.

145. You said it had not led to improved administration. Would you say that communal representation of Muhammadans and Hindus has not retarded administration, or has it just remained as it was ?— I do not know Sind very well, but from what I have gathered it is inclined to retard.

146. Would you, in your opinion, suggest that the differences between Non-Brahmin and Brahmin are greater than the differences between Muhammadan and Hindu ?—No, I would not say they were greater.

147. *Sir Hari Singh Gour* : In the earlier pages of your memorandum you state that communal representation in the local bodies was introduced in consequence of communal representation being introduced in the Legislative Council elections, that there was not communal representation in the local bodies till it was for the first time introduced in the elections to the local council and then it was introduced or extended to the local bodies ? Is not that so ?— That statement is made.

148. *The Chairman* : Is it quite accurate ? I thought you gave me an instance of the communal electorate before the Montagu-Chelmsford Report ?— It is not quite correct. What I mean to say is that the statutory introduction of communal representation was not till after communal representation had been introduced in the local councils.

149. What you told me was that in Sind by a Government Order before the Montagu-Chelmsford Report there was communal representation. I did not understand from you that it existed in the rest of the Bombay Presidency before the Montagu Report ?—I am sorry ; it did in 1920.

150. *Sir Hari Singh Gour* : Just read paragraph 112 on page 105 of the memorandum.* It is stated : " The question of the representation of minorities " was also considered at the same time. It was " thought that the system of communal representa- " tion was beset with practical difficulties and might " stir up sectional animosities. It was, therefore, " considered sufficient to reserve power to the " Governor-in-Council of nominating one-third of the " councillors as in the past to secure representation " of those classes which, for any reason, were unable " to elect candidates of their own, and it was not " till 1917 that Government decided, for the first " time, to adopt the principle of communal repre- " sentation in the case of municipalities in Sind." I understand that the first sentence represents the view of the Government as regards communal representation at that time ?—Yes.

151. And judging from the evidence you have just now given, we find that the view of the Bombay Government is justified by the subsequent facts ; in other words by the fact that the introduction of communal representation has led to the deterioration of efficiency ?—It certainly contributed towards it.

152. In one part of your evidence you said that

* Vol. VII.

the introduction of communal representation has led to a more satisfactory representation. What are the various ways in communal representation in the local bodies of your Presidency which have brought about that result—nominations or elections or mixed electorates or proportional representation ?—The communal wards. At present they have only wards. That has given a better representation to the Muhammadans.

153. *The Chairman* : I am not quite familiar with the use of the word " ward." Does " communal ward " in that connection mean that a particular member or members will be elected by electors on a list all Muhammadan ?—Yes.

154. And you call that a ward ?—Yes, it may be a whole town.

The Chairman : But still the point is it is not geographical so much as racial.

155. *Sir Hari Singh Gour* : Something like a college ?—Yes.

156. Now if you were left to yourself and you had not been pressed by the example set by the Legislative Council, you would not have introduced communal representation in your Presidency ?—I would not like to go so far as that. I think the pressure would have been pretty strong.

157. It is the pressure of the rules framed for the election to the Legislative Council, we will say Montagu-Chelmsford Reforms, which introduced communal representation in the larger bodies, the Legislative Councils and the Legislative Assembly, which influenced your decision in favour of the introduction of communal representation in the smaller bodies ?—Yes ; it certainly helped towards it. But, as I said just now, I should like to qualify that. I think that even without the communal representation in the Legislative Councils, the pressure for communal representation in all bodies would have been so strong that it would have been difficult to oppose it.

158. You are perfectly right, Mr. Turner. With the example of the Legislative bodies before them the communities concerned would have exercised their pressure for the introduction of communal representation in the local bodies ?—Yes.

159. And you think that it would have been an unwise policy on the part of your Government to resist the exercise of this pressure ?—Politically it would have been very unwise.

160. And in the same way, as I understand it, that pressure is being exercised upon your Government for communal representation in the services ?—Yes.

161. Now is it not a fact that as the introduction of communal representation in the local bodies has impaired their efficiency to a certain extent, it has also contributed to the impairing of efficiency in the Services to a certain extent ?—I would not say it has generally. It may have done a little ; but it has not done so to such an extent as in the local bodies.

The Chairman : I gather that the question and answer are both limited to the question of services in connection with local bodies. We are not going at this moment into the other question.

162. *Sir Hari Singh Gour* : You have just now stated that it is on account of political considerations that your Government introduced the principle of communal representation in the local bodies. I draw your attention to what you have said already about that, that the majority of the members of the local body if they belong to one community are not in a position to exercise the same amount of pressure for the purpose of collecting rates and taxes if the taxpayers also belong to that community ?—I thought that is the common experience in this country.

163. And that would obviously contribute to the impairing of efficiency ?—Yes.

164. *The Honble. Sardar Bahadur Shivdev Singh Uberoi* : I wish to know from Mr. Turner the basis on which the communal representation is made in the local bodies, that is, the district boards and municipal committees. Is it mentioned in the Acts that so much representation for each community should be given in the district boards and municipal committees, or is it left for the officials to decide ?—Under the Acts of 1923 and 1925.

165. On which basis, please ?—The wards are formed according to the population very largely so far as I remember. The wards are created according to the population of Muhammadans and non-Muhammadans.

166. May I take it that the population of a town plus the voting strength of each community makes the basis of representation of each community ?—I could not answer, I am afraid.*

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167. *Nawab Sir Zulfiqar Ali Khan* : Mr. Turner, you stated that communal representation was due to public pressure. May I know the reason for this public pressure ?—The very obvious reason that it is almost impossible for the minorities to get representation in many places ; and so they insisted on communal representation.

168. Do you think that prior to communal representation the minorities or those communities who did not get sufficient representation on these bodies got justice ?—I think undoubtedly their interests were liable to suffer owing to the absence of representation.

169. Do you think that it is in the interests of the administration to ignore the claims of minorities or those who are not already represented on these bodies ?—That is a very difficult question to answer. I fully agree that the minorities, unless communal representation is given, have little or no chance of securing representation and their interests are liable to suffer. At the same time communalism, to my mind, has led in the past few years to a very serious fall in efficiency of local self-government administration and by that fall in efficiency the interests of the whole community must have suffered. It is a case of weighing advantages and disadvantages on both sides. I do not think anyone who has served 25 years in this country can help sympathising with the backward classes and still more with the Depressed Classes. We all want to get them forward if we can, and how we can do it without giving them representation, I do not know ; but at the same time communalism undoubtedly does lead under the present circumstances to a fall in the standard of efficiency of administration. That is the only reply I can give.

170. Do you think then that the monopoly of these things is the only remedy for meeting the situation, monopoly of representation in the hands of those classes who had representation before the communal element was brought in ?—You mean the advanced classes ?

171. Yes, the monopoly of caste-Hindus, for example ?—Am I right in thinking that what you mean is that, in order to secure efficiency, there is no other alternative but to give a monopoly of representation to the advanced classes ?

172. Exactly. I want to know whether, in your opinion, that is the only remedy and you cannot think of any other ?—Personally, I do not wish to advocate a monopoly to any class, the advanced or not advanced.

173. *Mr. Cadogan* : My question is with regard to municipalities. It is this. How do you account for the representation of the Muhammadan community being so utterly different outside the municipality of Bombay to what it is inside ? It is stated here that in the Corporation, of the 80 elective seats Muhammadans have secured 14. I should like to know why the representation of the Muhammadan community is utterly different outside the Bombay Municipality ?—The Muhammadans outside the Bombay City Municipality are much more scattered

* See statement on page 8.

and far less influential. There are very few influential Muhammadans in Poona.

174. Just one supplementary question. I think I am right in saying that out of 157 Municipalities there are 11 which do not have separate communal wards ?—Yes.

175. That includes the Bombay Municipality ?—Yes.

176. Could Mr. Turner tell us what is the representation of the Muhammadan community in those 11 municipalities ?—It is quite possible there are no Muhammadans there.

Statement showing the Muhammadan and non-Muhammadan voters in each of the Municipal areas of the Presidency, including Sind. (Supplied by Mr. Turner with reference to Q. 166 on 15th October.)

Name of the Municipality.	No. of Voters.	
	Muhammadan.	Non-Muhammadan.
NORTHERN DIVISION.		
Ahmedabad	12,361	59,098
Prantij	412	1,124
Modasa	802	918
Viramgan	758	3,855
Sanand	11	821
Dholka	1,000	2,668
Dhandhuka	762	1,078
Ranpur	215	602
Gogho	80	229
Mehmedabad	328	1,204
Kaira	402	2,082
Nadiad	1,240	6,495
Kapadvanj	787	1,408
Anand	187	2,048
Borsad	709	1,908
Dakor	55	1,760
Umreth	205	2,457
Godhra	1,918	1,794
Dohad	1,109	1,072
Broach	3,065	7,763
Ankleshwar	203	950
Jambusar	330	1,224
Surat	6,379	23,443
Rander	697	981
Bulsar	613	2,613
Thana	408	5,291
Kalyan	506	2,027
Bhiwandi	816	788
Bassein	146	1,301
CENTRAL DIVISION.		
Ahmednagar	1,649	7,051
Sangamner	411	1,218
Jalgaon	722	5,385
Bhusawal	996	4,135
Yawal	112	582
Faizpur	212	1,212
Raver	230	718
Savda	160	1,027
Erandol	284	653
Dharangaon	532	1,975
Chopda	174	1,443
Amalner	326	1,573
Parola	305	1,542
Chalisgaon	212	668
Dhulia	1,651	6,766
Sindkheda	188	691
Shirpur	245	1,096
Shahada	220	506
Taloda	66	560
Nandurbar	350	1,462
Betawad	72	421
Nasik	1,125	6,775
Yeola	384	857
Malegaon	1,563	1,096
Sinnar	81	1,057
Igatpuri	341	1,461
Trimbak	16	457
Nandgoan	75	433
Bhagur	71	458
Manmad	244	1,119
Alandi	—	273
Indapur	61	389
Baramati	178	1,207
Jejuri	26	294
Junnar	160	995
Lonavla	428	1,955
Poona City	4,908	40,070
Poona Suburban	210	1,079
Saswad	48	997
Sirur	82	276
Talegaon Dabhade	96	267
Karad	221	893
Islampur	194	1,338
Ashte	27	578
Tasgaon	134	1,201
Panchgani	30	223
Satara City	352	2,579
Wai	101	1,287
Vita	36	489
Mhaswad	44	932
Rahimatpur	72	754
Sholapur	3,263	11,909
Barsi	585	4,182
Karmala	21	198
Pandharpur	225	4,454
Sangola	56	524
SOUTHERN DIVISION.		
Belgaum	513	5,342
Nipani	206	1,913
Athni	164	1,111
Gokak	205	1,526
Saundatti-Yellama	148	1,982
Bail-Hongal	182	1,057
Bijapur	1,353	3,627
Bagalkot	565	2,273
Guledgud	143	1,544
Ilkal	163	758
Dharwar	1,325	5,885
Hubli	1,652	5,873
Navalgund	94	859
Nargund	110	764
Gadag-Betgeri	1,385	6,096
Haveri	143	979
Byadgi	61	519
Ranebennur	312	1,500
Yamnur*	—	—
Gudguddapur*	—	—
Kawrar	137	1,346
Kumta	51	883
Sirsi	57	509
Haliyal	223	404
Honavar	27	495
Bhatkal	334	221
Alibag	49	700
Pen	50	945
Panvel	225	1,302
Uran	106	482
Matheran	55	185
Roha	176	655
Mahad	133	691
Vengurla	40	1,043
Malvan	20	834
Ratnagiri	495	1,372
Chiplun	368	1,048

* The Board consists of nominated members only.

Name of the Municipality.	No. of Voters.	
	Muhammadan.	Non-Muhammadan.
BOMBAY SUBURBAN DIVISION.		
Bandra - -	1,062	5,290
Kurla - - -	664	2,098
Ghatkopar - -	51	2,802
Juhu - - -	—	172
SIND.		
Karachi - -	13,725	28,921
Tatta - - -	565	1,136
Keti Bunder -	163	190
Kotri - - -	645	643
Manjhand - -	158	405
Hyderabad - -	4,522	10,952
Hala - - -	724	426
Tando Allahyar -	276	641
Nasarpur - -	540	388
Matiari - -	827	264
Tando Muhammad Khan.	382	523
Sukkur - -	1,737	5,776
Shikarpur - -	3,353	9,537
Garhi Yasin -	197	703
Rohri - - -	444	1,483
Ghotki - -	242	558
Larkana -	1,262	2,360
Kambar - -	1,196	857
Ratodero - -	384	766
Sehwan - -	266	264
Bubak - - -	198	360
Tando Adam - } Shahdadpur - }	594*	2,437*
Mirpurkhas - -	495	1,116
Umarkot - -	116	502
Jacobabad - -	887	1,291

* Separate figures for each municipal town of Tando Adam and Shahdadpur are not available.

POONA.
Dated, 16th October, 1928.
Morning.

PRESENT :

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND) AND THE BOMBAY PROVINCIAL COMMITTEE.

Mr. C. W. A. TURNER, C.I.E., I.C.S., Chief Secretary to the Government of Bombay—*continued.*

* * * * * * * * *

1. *Dr. Suhrawardy*: Mr. Turner, you told us yesterday that in the light of your experience communal representation has resulted in a satisfactory representation of minorities, but you are not prepared to say that it has led to improvement in administration ?—Yes.

2. I should like clearly to understand your evidence. I want to know whether you mean that the presence of a few Muhammadans returned by a separate communal electorate tends to impair the efficiency of the administration. Is that what you mean ?—I am afraid there was a little misunderstanding yesterday. I had in mind, when those questions were being asked, not exactly communal representation but communalism. What I mean by communalism is this. Take the case of the Deccan and Karnatak divisions. There, owing to the lowering of the franchise, non-Brahmins have swept the board and have a commanding majority on the local bodies, both municipalities and local boards. The result of that has been, in my opinion, a fall in efficiency.

3. You were referring rather to the non-Brahmin element than to the Muhammadan element returned by communal representation ?—In the Presidency proper.

4. Had you in your Presidency any system of nomination prior to the introduction of communal electorates ?—Yes.

5. What is the object of nomination ? Why did Government reserve a number of seats for nomination ?—To secure as far as possible the representation of minorities.

6. In that case the same object is served by the return of members by separate electorates. Now that election is by communal electorates the number of seats reserved for nomination has decreased : is not that so ?—That is so.

7. You have told us that with the introduction of communal representation there has been a decline in efficiency. In the old days, minorities were represented on the local bodies by nomination. Was there no decline in efficiency in the administration of these boards in the old days ?—No, because they had not got a commanding majority. Nomination did not secure a commanding majority ; it simply gave representation to minorities.

8. Has the system of communal representation secured a commanding majority for the Mussalman community ?—Not in the Presidency proper.

9. When you say " the Presidency proper " you mean, including Sind ?—Yes.

10. Can you show, by reference to Appendix " Y " and Appendix " Z " (page 193*), by reference to figures, that by virtue of the commanding majorities secured by non-Brahmins efficiency has been impaired in any of the boards or municipalities ?—I would ask you to turn to Dharwar, page 196.* You will see there are now 117 members of the " backward classes " to 22 of the " advanced classes."

11. *The Chairman* : Out of a total of 139 elected non-Muhammadans—is that right ?—Yes. That is a rather striking difference.

12. May I just interpose to ask a question ? Does that mean that in Dharwar you would get, apart altogether from the Muhammadans who were elected, some Brahmins and some non-Brahmins ? Is that it ?—That is it.

13. Roughly speaking, may I take it the 117 are non-Brahmins and the 22 Brahmins ?—Yes, roughly.

14. Just so that I may follow you, is that what you refer to when you say that the extension of the franchise has enabled the non-Brahmins to sweep the boards ?—Yes, in certain districts it has.

* Vol. VII.

15. *Dr. Suhrawardy*: How many Muhammadans have been returned? Is the total number of elected Muhammadans 14?—Yes, in Dharwar.

16. Then you have got in Appendix FF (page 208*) a list of cases in which mismanagement was reported and in Appendix GG (page 209*) a list of cases in which orders of dissolution have been issued. Can you, by reference to that, point out that Dharwar has suffered because of this increase in the number of non-Brahmins?—No, I cannot say that in Dharwar things have come to the point where actual supersession would be necessary.

17. Has the non-co-operation movement anything to do with the decrease in efficiency?—It had in the past; it has not so much now. In the years 1919 to 1922 it was responsible for most of the trouble.

18. And it was about that time that communal representation was introduced for the first time? That was in 1923?—In 1923, yes.

19. I put it to you it is impossible exactly to apportion the responsibility for the deterioration between the non-co-operation movement and communal representation. Although the non-co-operation movement may have declined since 1922 it is still with us? Is not that so?—To a very minor degree.

20. May I draw your attention to one passage in Appendix FF on page 208,* which says "and to "crown all, in spite of the want of funds even to "pay their employees the Municipality of Barsad "began spending money in presenting addresses "unauthorisedly to persons who had taken a promi-"nent part in the non-co-operation movement?—That was so.

21. I suggest there may be factors other than the communal representation (leading to a commanding majority of non-Brahmins) which may be responsible for a decrease in the efficiency of administration?—You must make a distinction between Gujarat and the Deccan and Karnatak in respect of non-co-operation. Non-co-operation was very strong in Gujarat, but never in the Deccan or Karnatak.

22. Will you kindly tell us how the official chairmen were supplanted by elected non-official chairmen in your Presidency? In my province it was done gradually; certain municipalities and district boards were given that privilege?—As regards municipalities, it began, so far as I remember, in 1908. As regards district boards, it began in 1915 and was completed by 1918.

23. *The Chairman*: That is, the substitution of an elected chairman for the ex-officio chairmanship of the Collector?—Yes.

24. *Dr. Suhrawardy*: You have been Collector of some district—I think Ahmednagar?—Yes, and Sholapur.

25. When were you at Sholapur?—1923.

26. Were you ex-officio chairman of the district board there?—No.

27. There was a non-official chairman?—Yes.

28. When did you give the privilege of electing a non-official chairman to that district?—Between 1916 and 1918; I cannot give you the date off-hand.

29. What I want to find out from you is whether the substitution of a non-official elected chairman for an official chairman has in any way impaired the efficiency of the district board in question?—I can only say, as regards Sholapur, that it was found necessary to supersede the board last year.

30. *Raja Nawab Ali Khan*: You stated yesterday you knew of no method other than communal representation for the adequate representation of minorities?—Yes.

31. Do not you think that joint electorates with reservation of seats or the method of proportional representation would answer the purpose equally well?—That is a very technical question. I am not prepared to say off-hand.

32. *The Chairman*: There was one other point which was mentioned yesterday. I think it was Sardar Bahadur Shivdev Singh Uberoi who asked if you could give him this morning some information about the method which was followed in the municipalities here for securing correct communal representation?—It is done proportionately to the population on a regular system in all the municipalities and districts.

33. *Sardar Shivdev Singh Uberoi*: And when the members are nominated on those bodies, consideration is of course given to the size of minorities at the time of nomination?—Yes.

34. I understand this principle of population basis is not observed in the case of the Bombay Legislative Council?—I think not.

35. To refresh your memory, the population of Bombay is 19 per cent. Muhammadan, and out of 86 elected seats they are given 27?—Yes.

36. Which is higher than 19 per cent.?—Yes.

37. This is a special representation given to the Muhammadan element?—It is in the case of the Council.

38. On account of the importance of that community in this Presidency?—Yes.

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39. *Rao Bahadur Rajah*: * * * Is it not obvious the Bombay Corporation are not sympathetic, seeing they do not even co-opt a single member of the Depressed Classes?—You mean the Bombay City Corporation? One can only judge by the fact that they do not co-opt any one.

40. In how many municipalities are there elected representatives of the Depressed Classes?—I am afraid I cannot tell you off-hand.

41. Can you tell me in how many municipalities there are co-opted members of the Depressed Classes?—I cannot say.

42. Are they represented on the sanitary boards?—I think it is very doubtful; it is a question I shall have to look up.

43. The representatives on the sanitary boards are appointed by the Government?—By the Commissioner. It would be very difficult to obtain really suitable Depressed Class men in small places where there are sanitary boards.

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45. *Rao Bahadur Rajah*: Has there been any legislation in the Legislative Council to ameliorate the lot of the Depressed Classes?—There has been no legislation, but there have been several resolutions moved, one of which was approved, namely that all public buildings such as dharamshalas and all public water-supplies should be thrown open to the Depressed Classes in all cases, and that where the local authority was found not to comply with that the Government should take measures to bring them to their senses by reducing the grant.

46. *The Chairman*: That is a resolution?—Yes.

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49. The effective thing (if there is anything effective about it) must be not the resolution, but something which happens to the resolution?—It has been accepted by Government and acted on.

50. Are there any cases where penalties have been imposed?—Yes, in the case of one taluka.

51. Which?—Kalyan in the Thana district.

Rao Bahadur Rajah: Referring to page 384,* will you explain why the Government did not interfere in the case of the public well at Mahad, which has been taken to the courts?

52. *The Chairman*: I think my colleagues would like to look at that. The passage referred to begins at the bottom of page 383*. * * * What is the date of the resolution to which you refer as having been passed, to the effect that all public wells and tanks should be open to the Depressed Classes? What year was that?—1926.

53. Then it was before this incident?—Yes.

54. Having been passed and the Government having adopted it, did this particular municipality act in regard to this resolution at first?—Yes.

55. If that is the case I do not quite understand why it should be necessary for certain members of

* Vol. VII.

the Depressed Classes forcibly to assert their right ?—The difficulty there was that this tank is surrounded by private houses, which have private access to the tank. There are certain public steps down to that tank. Those public steps anyone in the place has the right, so far as we know, to use ; but the difficulty was at the time as to what were the private rights over that tank of the residents immediately round it.

56. The public would be entitled to go down the public steps to the water's edge ?—That is what Government made up their minds to allow, and police had been ordered there to see it was allowed.

57. Was there any opposition to it ?—There might have been by the higher castes.

58. You see my point ? I think very probably the Rao Bahadur has it in mind. Taking it that the Government had adopted the resolution, one would have thought that it would not be necessary for the Depressed Classes forcibly to assert their right. Apparently it must have been due to some local opposition ?—Local opposition entirely.

59. Owing to the local opposition, the local municipality did not know what to do, and withdrew their resolution ?—Yes. I think they were influenced very largely by the high caste people also.

The Chairman : Was that what you wanted to ask ?

Rao Bahadur Rajah : Yes, that is the point.

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Rao Bahadur Rajah : * * * Apart from the efforts of non-official organisations, what official action has been taken by Government since the Reforms were introduced to secure these civic rights for my people ? It is stated in this book that a large section of the population is denied its legitimate civic rights.

The Chairman : " Owing to the prevalence of " untouchability a large section of the population is " denied the enjoyment of its legitimate civic rights."

60. *Rao Bahadur Rajah* : Yes. With reference to that remark, what official action has been taken by Government since the Reforms to secure these civic rights for the Depressed Classes ?—I have just said that Government accepted that resolution in 1926 by which grants were withdrawn from local bodies which did not allow the Depressed Classes to go to dharamshalas or schools or use the public water-supply. There is no law by which they can force a touchable to touch an untouchable.

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May I add something to what I said just now ? We were speaking of what Government had done for the Depressed Classes. I should like to refer to the first few sentences on page 383*. * * *

61. *The Chairman* : * * * Are you right when you said that resolution was passed in 1926 ? Look at the bottom of page 383*. * * * It was in 1923 ?—Yes. You are quite right.

63. *Mr. Hartshorn* : You said, I think, that on one occasion only had Government found it necessary to reduce the grants or apply penalties (whatever those penalties might be) because the local authority did not comply with the resolution. When those penalties were imposed, what was the result in that particular case ?—Up to the time when I handed over charge of the department, no report had come in from the Collectors.

Dr. Ambedkar : May I explain, on a point of information ? After the resolution of 1923 was adopted by the Legislative Council it was found out that this resolution was only a pious wish, and that beyond a mere declaration of the policy of Government there was no means to bring the resolution into effect.

The Witness : I was just going to say that.

Dr. Ambedkar : Consequently, in 1925 another resolution was moved, and was accepted, whereby it was resolved that in case any local authority did not bring the Resolution of 1923 into effect, it should have its discretionary grant stopped. That was the penalty provided in the Resolution. Besides the local grants, the Government gives to the local bodies certain discretionary grants, and the penalty was with respect to the withholding of these discretionary grants. Now, I do not know in how many cases these discretionary grants have been withheld, but I think Mr. Turner will not disagree with me if I say that notwithstanding the subsequent resolution with regard to the withholding of discretionary grants, the situation remains what it was even before 1923.

64. *The Chairman* : That is a very interesting contribution, Dr. Ambedkar, * * * Might I just try to bring the point to a head by asking Mr. Turner this one question, and possibly when we take up the Memorandum on the Depressed Classes we may be able to get Mr. Turner part of the time to be available in case we want some information. What I should like to know, Mr. Turner, is this : On the whole, do you or do you not think that there has been some advance, some improvement made in your time, or in the last few years if you like, in the direction of better facilities for the Depressed Classes ? Do you see any signs of any advance ?—Certainly.

65. You have no doubt about it ?—I have no doubt about it.

66. I am not asking the question whether you are satisfied with the result, or suggesting that there is not a lot more to do ; but I think we should like to know your view as to whether there has been an advance.—Certainly, sir. It would have been unthinkable when I came out that any " untouchable " should be a member of the local municipality or local boards. That is 25 years ago ; it would have been unthinkable then.

67. Still, that only affects the individual, who, by his own character or education or qualities, has made himself fit for such an office ; but I am rather thinking of the mass of the Depressed Classes. What I want to know is whether you think that there has been, or whether you know if there has been, in your time, more particularly in the last few years, some advance in the provision that the law makes and enforces for better treatment of the Depressed Classes as a whole. I am not speaking merely of nomination or representation on bodies ?—Well, I am afraid that as far as the social system goes it is very difficult to say how far there has been an advance, because the strict Hindu, I am afraid, is as strict now as he ever was, though he often professes publicly to be much more liberal than he really is.

68. Of course, we all appreciate that legislation and administration are not always effective instruments for producing immense and prompt changes of social attitude, but still, there are some things which legislators and administrators can do. You have mentioned some,—the possibility of a law which provides that public wells should be available for all, including the Depressed Classes, or the provision that public schools should be so available. If those things are enforced, you know, undoubtedly they are a very material element in improvement, and what I wanted to know, quite generally, was whether you thought there had been some advance in actual results in securing in those ways effectively better treatment for the Depressed Classes ?—Yes, I think one can say fairly that there has been some advance. I cannot go much further than that.

69. It is no good passing a law, you know, if it is not observed ?—With regard to schools, for instance, I think we have been successful. Only in five schools in the Surat district, they still insist upon the Depressed Class children sitting apart from the other classes.

70. Assuming what you say about that is accurate, does that indicate a material change from what we should have found had we been in this country 25 years ago ?—I should say yes, as far as my memory of Gujarat goes 25 years ago, when even a Depressed Class witness was made to stand outside on the verandah, and was not allowed to stand in the same room with the others.

* Vol. VII.

71. *Lord Burnham*: How far does your answer apply to the normal life of villages?—There it is quite another thing altogether. I doubt very much whether the social system of the village has been touched. In the bigger cities I think possibly some advance has been made.

The Chairman: Thank you very much. That is very similar to some other evidence I had heard. I thought there was a considerable distinction between the great cities and the country districts.

72. *Dr. Ambedkar*: You were talking about admission of the children of the Depressed Classes to the schools, and recently an attempt was made by members of the Depressed Classes in a particular village to have their children seated in the school, and I think an entire social boycott was proclaimed against them by the villagers, so that the District Deputy Collector had to intervene, and finally the settlement was that there should be a verandah outside, and that the children of the Depressed Classes should sit there. That was only last week.—That is certainly quite possible.

73. *Sir Hari Singh Gour*: A good deal of your time has been taken up by these communal questions, Hindu and Muhammadan questions, and Brahmin and non-Brahmin questions. Do not you think that the remedy for all these questions is increased education?—Exactly so.

74. If you will kindly turn to Part I, paragraph 28, at page 25, so far as your Government is concerned I note the following satisfactory progress: "The "sudden increase of 17 per cent. during the last "year is due to the fact that several schemes for "the expansion of primary education and for the "introduction of compulsory education have been "introduced over large areas during this period." Do you think that a great impetus has been given to education in consequence of the Chelmsford Reforms?—I would not say it was due to that, because I think the awakening was coming before the Report. Amongst the Mahrattas, certainly, it was coming, and even amongst the Depressed Classes.

75. Do you think it has been stimulated by the advent of the Report?—Well, it may have been. It is difficult to say that.

76. It led the people to hope that they were going to be participators in the administration of their country, and that they must better qualify themselves for that responsibility?—It aroused in them hopes of getting more jobs in government service.

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77. *Khan Bahadur S. N. Bhutto*: I think you were making some derogatory remarks about the Indian local authorities?—There are one or two which are functioning very well indeed. On the whole I should say there has been a fall in efficiency during the last seven or eight years.

78. During Indian control?—Yes.

79. Can you give us an instance so far as the municipalities in Sind are concerned?—Well, I have never worked in Sind.

80. You excluded Sind in your answer to a question put to you, and therefore, when you exclude Sind, I should like to know whether in Sind, by reason of this communal representation, you think there has been any change in the policy of the local authorities?—There has certainly been a change in the direction of employing Muhammadans, I think, in place of Amils.

81. In districts where there are Moslems?—Yes.

82. I am asking about municipalities?—No, I do not think so in municipalities.

83. You say that even arrears are due to communal representation. Do not you know that it is provided in the Act that anyone who is in arrears can be disqualified for not paying the taxes within a certain limit of time?—There is that provision, but it is not enforced, especially in the case of Members of the Councils themselves.

84. Then by this communal representation there has been no change in the policy of the local uthorities; so why should efficiency suffer because various communities are represented? There is no reason at all that there should be any change in policy; the same party remains in power; is it not the case, that before this communal representation, that particular party or community which was in power was guilty of maladministration or inefficiency, and it is only by securing this little representation of minorities that the previously existing inefficiency has come to light? As the Press has been monopolised and owned by that party which was in power, the maladministration did not come to light; it has only come to light after this representation has been granted to minor communities?—Am I to understand that your meaning is that these boards were always inefficient, and it is only the representation of minorities which has brought the inefficiency out?

85. Well, is not that so?—Is that what you mean?

86. Because there was otherwise no way to find out the maladministration: they had the monopoly of the Press?—Well, I would just call one fact to your attention, Khan Bahadur. In 1916 the arrears of tax uncollected amounted to 3 lakhs; in 1925–26 I think it was 16 lakhs.

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89. *Khan Bahadur S. N. Bhutto*: But the administration has remained in the same community; there has been no change?—The only other reason, bar communalism, as far as I can see, is the general fall in the efficiency of the administration of the district.

90. But communal representation has nothing to do with it, because by a representation of only one or two they cannot cause all these arrears?—That may not be so, but it does increase communal tension.

91. Give me an instance?—I think it is very difficult to give instances, but surely the present state of India is a pretty staring example that there is communal tension all over the place.

92. But this is not necessarily due to communal representation?—My view is that communal representation does tend to intensify it.

The Chairman: We have always to remember that a witness is only a witness, and that we cannot ask questions until we have changed his opinion. Now, as I understand the witness's view, it is this. He said yesterday that when he spoke of communal representation, when he spoke of a fall or deterioration in municipal administration, what he had rather in mind was communalism, which is not the same thing as communal representation. It means, I suppose, the strong rivalry in public life of different communities, and the strong tendency of a particular community, as it were, to play for its own hand, to support its own friends. That is what one means, I suppose, by communalism, and therefore, what the witness said was that that was, unfortunately, a cause of inefficiency in administration.

The other thing I understood the witness to say was, in his opinion, for what it is worth—it is not necessarily other people's view—"I still think that "communal representation in the local bodies rather "aggravates the position." (To the Witness): I do not know whether I put your view correctly?—Yes.

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93. *Khan Bahadur S. N. Bhutto*: Do you know that school local boards cannot spend a rupee without the previous sanction of the Government?—That is so.

94. Is not it the case that district local boards cannot appoint any of their higher officials unless the appointment is approved by Government?—In the case of district local boards you are right.

95. And the administrators of the school boards?—Yes.

96. Therefore it is only when the appointment is approved by Government that we can appoint them?—Yes.

97. If they are found inefficient, it means that Government is equally responsible for that, because

of their approval of the appointment to the post of the man that is selected ?—That is so.

98. Is it not the case that in most cases Government have offered their most competent and experienced officers ?—In some cases they have been accepted.

99. Wherever they have offered their own officials, at least so far as Sind is concerned, the Government officials have been accepted in every district ?—It has been exactly the reverse : in very few districts have they accepted them. We have had great difficulty in placing them anywhere. But I can tell you one thing I do know, even of Sind. There was a certain district to which a Hindu officer was given. I believe him to have tried his best, and to have been tactful and to have done his best, but within the year he had to ask to be relieved.

100. Is not that due to the fact that during all these eighty-two or ninety years during the British raj, this community has lost all the confidence of their minor communities, and there has been no progress in their education, so that they cannot trust them further ? Is not the state of education among the depressed people and the non-Brahmins due to this that advanced class people have been in control ? —I think perhaps it has contributed towards that result.

101. Is it not true that when the district local board spends any money, or passes any resolution, they have to communicate their resolution immediately to the Collector and Commissioner, and the Commissioner has power to suspend it if it is not considered reasonable ?—In the district local board on paper he has that power, but I think I said yesterday that that is rather a paper control than a real control.

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102. *Sir Hari Singh Gour* : In reply to the Khan Bahadur's question you said that the Government is equally responsible with the local bodies for the employment of inefficient men. May I ask you this question : Would the Government be popular if it went on overruling the local bodies when the local bodies had made it a rule to place unanimity before efficiency ?—No ; the Minister has got to think of that. That is the trouble. The Minister very often belongs to the party which is predominant in the local body, and he is put in a very awkward position. I do not say that cases have not occurred where the Minister has given approval to an appointment which personally I should not have approved, but still, you have got to see his point of view. He is dependent on his party, and that has been the result.

103. In other words, what you mean to convey is that this communalism even tends to influence the judgment of the Ministers ?—Well, it must.

Consequently there is not only the loss of efficiency in the services, but there is the loss of efficiency all along the line ?

104. *The Chairman* : I see the point. I just wanted, on the same point, to get this clear. In this country, India, one often speaks of Government, and no doubt it is a very mysterious and potent force, but when one says that these local bodies have to have the approval of Government, I want to understand what it is that happens. Will it be the Minister of Local Self-Government who has to give approval, or will it be the whole Government ?—No, the order is actually issued by His Excellency on the advice of his Minister.

105. His Excellency is advised ?—Yes.

106. By whom ?—By the Minister of Local Self-Government.

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107. *Major Attlee* : I should like to put this question on the deterioration of administration of local self-governing bodies. I notice at pages 138* and 139* the methods of government control. Broadly speaking, would I be right in saying that the Government have given them as wide a scope as possible, reserving the right to come in when things are very bad indeed ?—That has been the policy.

108. Am I right in saying that of late years the Collector has tended to be a bird of passage in the districts—that the average period of duty of a Collector in any one district is comparatively short ? —That is true.

109. And the Collector is the chief instrument of Government for bringing influence and advice to bear on the local bodies ?—He is *the* man.

110. And you say you remove the official Chairman and at the same time you enfranchise a large part of the community, thus bringing into the bodies a large number of rather less experienced administrators on to these bodies ?—That is so.

111. And therefore would it not be right to say that those bodies starting rather afresh rather lack constructive guidance ?—I think so and that is my opinion.

112. And you think the district officer, who is a bird of passage, would be rather shy to interfere ?—Yes.

113. You have not the regular inspectorate as we have at home, coming down and advising ?—No, we have not. He would not only be shy of interfering, but he was told that he should not interfere more than he could help.

114. Just one point more, and that is, has the Minister of Local Self-Government endeavoured by circulars or by sending down experts and so on to assist the local boards in developing, or is he content to set them going and stand by and see how they do ?—I think rather the latter is the case, the idea being to try and get them to stand on their own legs. That is a very nice ideal.

115. *The Chairman* : I wanted to put a question on municipal finance, and again I say it is not because I imagine that the Commission's own report or recommendations will touch this point in any constructive or revising sense, but to help to get the picture and see what it is we are talking about. Would you turn to p. 117* ? You have got the heading "Municipal Finance," and as one would suppose the finance of the municipalities seems to be raised partly by what we call in England local rates or municipal rates and partly by grants from Government ?—Yes.

116. Those are the two sources, I suppose ?—Yes.

117. As regards the municipal taxes or rates, apparently the most common one is the house tax ; is that right ?—Yes, it is the most common.

118. And it is the most direct tax ?—Yes.

119. There is of course one other source of municipal revenue, Government grants ?—Yes.

120. As far as education goes we are not dealing with that just now. Grants of course are from the Government to municipalities in partial support of their education and instruction ?—Yes.

121. Now let us take other parts of the municipalities' necessary life. I take for an example, water supply. What happens in this Presidency supposing any moderate-sized town with its municipality decides to go in for improved water supply involving of course a large capital outlay ? I would just like to understand how they would set about that. How do they finance it ?—They finance it partly by loans and partly, if they can get grants, by grants from Government, most of them.

122. Are there cases where the Government refuse the grants ?—The policy which was started about twenty years ago is still nominally in force. In those days local bodies were rather loath to go in for these amenities, and Government adopted the policy of giving grants-in-aid up to 50 per cent. of the total cost of any scheme which a local body would introduce. The total cost of the schemes which were then under consideration was, I think, roughly about 40 lakhs of rupees, and that policy of giving 50 per cent. grants was feasible up till the war time, when owing to the cost of these works going up enormously the grants-in-aid naturally proportionately increased and Government have steadily found themselves more and more in difficulty in meeting these demands

for grants, especially as the municipalities are by no means loath to go in for these amenities if they can possibly get the grants, and the cost of the schemes has gone up excessively. I may say that at the present time there are three big municipalities with schemes the cost of which averages about 60 lakhs of rupees, and I think the total cost of the schemes which have been technically sanctioned roughly amounts to 2 crores of rupees and it is utterly impossible for the Local Government to meet 50 per cent. grants up to that amount.

123. So in the present situation and at the present level of prices and the like, and the other claims on Government funds, if really municipalities are going in for an outlay for these improved amenities, the receiving of grants from Government up to 50 per cent. is by no means to be counted on?—No. I think Mr. Wiles* will bear me out in that. (*Mr. Wiles*): That is so. We have had to draw a definite distinction between major and minor municipalities in this matter.

124. I suppose a municipality can raise a Loan?—(*Mr. Turner*): Yes, the bigger ones. Ahmedabad and Karachi had raised loans.

125. On the security of their rates and municipal buildings?—Yes.

126. *Mr. Cadogan*: By sanction of the Government?—Yes.

127. *The Chairman*: They raised the money?—They have, yes.

128. Are there cases in which schemes have been taken up by municipalities but are not being carried out because they are not getting Government grants?—There are; Surat is one.

129. I make an observation that that is by no means peculiar to India; rate-payers are very willing to spend money if somebody else would provide it?—Yes.

130. What I particularly want to ask you about is this. Looking at p. 118† of your book, you say:—"The list of municipal wants, which appears to grow "larger each year, shows that the municipal bodies "are still a long way from satisfying the demands "of their citizens." I will read the next sentence in a moment. Do I understand, and I gather Mr. Wiles confirms you, that those demands on matters of local amenities can hardly be financed from central funds? Is that right, Mr. Wiles?—(*Mr. Wiles*): Yes.

131. Therefore if the demands of the citizens are going to be met, apparently they can only be met if the municipality is empowered and is prepared to raise by municipal rates or local taxes the money?—(*Mr. Turner*): Yes.

132. What I should like to know is this. In your general experience do you think that the failure of municipalities to find money for these schemes more readily is due to want of power to raise the money or it is due to unwillingness on the part of the citizens to incur the extra burden? Which is it?—I think it is mainly due to the unwillingness to incur the extra burden. At the same time there is difficulty in finding suitable sources of taxation outside the sources already tapped.

133. As regards sources of municipal taxes, have you got any suggestions to make about that?—The present taxes open to the local bodies are what they call the scheduled taxes and outside the house tax, the octroi and the terminal tax, and for the district local boards except the local fund cess there is really no other source so far as I can see which is likely to be of any great profit to the local bodies. They have, for instance, the profession tax.

134. Looking at the next sentence which I promised to read, on page 119† of your book, we find:—"It is clear that the demand for modern amenities "on the part of the public has outrun the resources "both of the local bodies and of the Provincial "Government." What I wanted to be clear about was whether in your view the remedy for that was giving the municipality more powers of taxation or whether, on the other hand, even if they had more powers of taxation the view of the citizens would be such as would make it difficult to impose more taxes?—Well, it is very difficult to say whether if they had more powers the citizens would be willing to accept more taxation. I am rather doubtful on that point. But it gives them a very strong argument for saying that they cannot get on without Government grants when they can show that with the help of the taxes which they may impose they cannot raise the revenue.

135. I would like to ask a question on a totally different subject which you find is the topic clearly dealt with in a chapter which is only very incidentally relevant to-day, Chapter VI, Indianisation of Services.* I just wanted to be quite clear. We know about the Lee Commission's report. We know about the decisions taken on it. We know the scheme there laid down is the scheme that will work out and come to a conclusion in, I think, 1939. I merely want to get the picture. Here in the Presidency of Bombay you will have I suppose some civil servants who are All-India officials?—Yes.

136. Secured under the Government of India Act?—Yes.

137. Then you will have other officials who will, if I understand rightly, be provincial servants?—That is so.

138. I do not want to argue about it. Can you tell me first of all as regards All-India services (who will be the I.C.S., and I suppose, the Police service and several other things), what is the approximate strength now?—The actual cadre of the I.C.S. is 136 at the present moment.

139. In the Presidency?—Not all employed in the Presidency. That includes officers deputed to the Government of India.

140. Who have been lent to the Government of India?—Yes.

141. Then we shall get the right picture if we to-day regard the Presidency of Bombay as having something like 130 I.C.S. people?—It is actually less than that. It is actually 121.

142. *Lord Burnham*: I see on page 240* at the bottom a sentence which reads:—"The Indian Civil "Service cadre on the Civil List of October, 1927, "consists of 107 Europeans and 28 Indians . . ." Didn't you say 130?—136. I was thinking of the total number of Europeans.

143. *The Chairman*: I asked about I.C.S. I am not thinking at the moment of Europeans only. I want to know how many I.C.S. people there are. It comes, then, to about 130?—In the last Quarterly Civil List it is 136.

144. We have now an idea as to how it works out so far as regards the distribution between Indians and Europeans are concerned—50 to 50 per cent. to be reached in 1939. Now would you tell me about the Provincial Service in this Presidency. No doubt it goes down to a large number of officers on the lower rank, but is there any sort of figure which you can give me?—The strength of the Deputy Collectors, who correspond to the I.C.S. Assistant Collectors, is 87.

145. Let me see if I understand that correctly. You have 27 districts in Bombay. Am I right in thinking that in such a district, ordinarily speaking, you will have a Collector, and then you will have sub-divisions of the district—three, say?—It may be three, and sometimes two.

146. And therefore to help the Collector you will have an Assistant Collector, or a Deputy Collector, in each sub-division?—That is so.

147. And do I understand rightly that an Assistant Collector is an I.C.S. man?—Yes.

148. But a Deputy Collector is a Provincial Service man?—Yes.

149. So that in any given district it may happen that a sub-division of the district is in charge of an officer of the Provincial Service, who would be a

* Mr. Gilbert Wiles, I.C.S., Secretary to the Government of Bombay, Finance Department. His evidence is printed on pages 25 and 49.

† Vol. VII.

* Vol. VII.

Deputy Collector, or in charge of an I.C.S. official who will be an Assistant Collector. Is that correct ?—Yes.

150. Now then we want to come to the point which Viscount Burnham and myself have in view. As regards the Provincial Service first of all, is there any recruiting in England at all at present ?—None at all.

151. So that we may take it in substance that the Provincial Service is an Indian service ?—Yes.

152. I do not know if there is any exception at all. One can imagine a case where we may require a specialist ?—In that case specialists might be got out.

153. I suppose it is done through the High Commissioner ?—Yes.

154. But may we take it broadly that a Provincial service is an Indian service ?—Yes, but it may also include what are called domiciled Europeans and Anglo-Indians.

155. Yes, it is important to note that. And so far as that Indian service goes, is it a new feature, or has it been so for a long time ?—No ; it has been so for a long time.

156. Now we will go back to the All-India services. You have given us the figure of the I.C.S. people ?—Yes.

157. But there will be others also of the Provincial Service. What are the others ?—Yes ; in the district, the District Superintendent of Police, the Executive Engineer ; and in certain districts the Civil Surgeon would be a member of the I.M.S.

158. That is an All-India service ?—Yes.

159. I do not go into detail, but I imagine that there will be some people who are Europeans and some people Indians ?—Yes.

160. Now let us take the I.C.S., of which you have given the figure as 136. You have got the latest list there. In fact in the Presidency to-day how many of the I.C.S. are Europeans and how many are Indians ?—31 Indians and the remainder are Europeans.

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161. *Sardar Shivdev Singh Uberoi* : At page 246* we find from Appendix B relating to the Indian Police Service that since 1926 there has not been any increase in the appointment of Indians in that service. May I ask Mr. Turner what it is due to ?—I am afraid I cannot answer that question. It is in charge of the Secretary in the Home Department.

162. In the Indian Veterinary Service (Appendix G*), we find that the whole cadre is 3, and there is not a single Indian on that cadre. Is that a fact ?—I may again say, sir, that it is the Secretary of the Revenue Department that is responsible for that. I believe it is correct.

163. *The Chairman* : I suppose all these appendices are correct, as printed ?—I may point out that all European recruitment in England for the All-India Services in the Transferred departments has been stopped since 1924.

164. That is important. What about Education and Medical ?—No, Medical is a separate service.

165. *Major Attlee* : Am I right in saying this, that some of these services, like the Veterinary Service, are dying services ? The new provincial cadres are being built up and the old are just a remainder from the previous scheme ?—That is so.

The Chairman : Does that mean that under a different classification you get Indians ?

Major Attlee : That is what I am given to understand.

Witness : We are building up a provincial service to take the place of these All-India services.

The Chairman : This is one of the dying services. You have only got three or four people there. But, as a matter of fact, for the future the service will not be All-India but will be provincial, and, being provincial, it will be an Indian service. I think that is the explanation that Sardar Uberoi wanted.

166. *Lord Burnham* : I would like to ask Mr. Turner first of all whether the term " Indianisation of Services " has been defined for the purposes of Government ? What does it mean ?—It means appointing Indians in the place of Europeans.

167. Exclusively Indians ?—Anglo-Indians also.

168. Putting the Anglo-Indian along with the Indian, you mean it is an exclusively Indian appointment ?—Yes. Indianisation figures vary in different cadres, but it means the substitution of Indians for Europeans.

169. And that is your explanation when you wrote your chapter in this book on Indianisation of Services ?—Yes.

170. Do I understand that since certain services have been transferred there have been no Europeans recruited for those services ?—That is so, sir. In fact in all the departments which have been transferred, except Medical, all recruitment in Europe has been stopped.

171. And there is no recruitment of Europeans here ?—Occasionally we may have Europeans. In the Education Department, for instance, we have recruited a Professor, a European, from one of the Missionary colleges. He was an expert. We wanted him for a certain subject.

172. Is that a rule laid down by the Bombay Government ?—(*Mr. Wiles*) : It is the Government of India, I think. (*Mr. Turner*) : I think, as far as I remember, that it is the Secretary of State who has stopped all recruitment in England in all those departments.

173. Does that mean all European recruitment ?—Yes.

174. It may not, perhaps, be fair to ask you matters of opinion, and therefore I do not do it, but I suppose that is already altering, as we see by the figures, the balance of appointments throughout all the departments ?—Yes, undoubtedly.

175. Where you require special qualifications—say, as in Agriculture—has any attempt been made to secure a man irrespective of his being an Indian or a European, or is an Indian appointed as a matter of course ?—As a rule, if a post is vacant now, anyone can apply. The terms are stated and selections are made from those who apply.

176. I notice that the Royal Commission on Agriculture which has just reported speaks of the immense importance of getting a man with special qualifications to certain posts ?—Yes.

177. Have you any experience of that kind here ?—In the Education Department we did give special terms in certain appointments.

178. Was it a short-term appointment ?—Yes.

179. Without any guarantee of tenure ?—Yes, without any guarantee of tenure.

180. Did they get any bonus if their work was satisfactory ?—No. If he were a European, he got his passage home.

181. Well, the issue briefly is that so far as all the Provincial services go in the Transferred departments they will be wholly staffed by Indians. Is that so ?—In the Education Department, for example, in at least twenty years it will be wholly staffed by Indians.

182. You said in answer to the Chairman, or rather I understood you to say, that as regards provincial appointments there has not been so much of a change except in the Transferred departments. Do I understand you correctly ?—Provincial Services have always been under the Provincial Governments.

183. They were always held by Indians ?—Sometimes appointments have been made from outside, but such appointments were very rarely made.

184. Which of the Provincial Services that has been transferred is clearly in the position you just described ?—Take the Education Department. Formerly the head of the department, the Director of Public Instruction, the Deputy Director of Public Instruction, the Inspectors of Schools, the heads of Colleges were all members of the Indian Educational Service and were recruited by the Secretary of State. Now, that department has been transferred to the Local Government. In future, all the appointments

* Vol. VII.

in that department must belong to the Provincial Services. There will be a remnant of the All-India Service who will still be working under their original agreement with the Secretary of State. That will gradually disappear. But the new services which will take their place will be purely Provincial Services. We are now preparing the terms—pay and conditions of service—which shall be granted to these services. The new rules are now practically ready for sanction. But these new Provincial Services will not, so far as I can see, be at all attractive to Europeans.

185. It will hardly be fair to ask you whether that will involve a sacrifice of efficiency. But so far as the terms are lower and less attractive, they won't attract the same class of men ?—Not the same class of Europeans, certainly.

186. *The Chairman* : Let us take one of the departments of Government which is now a Transferred Department. Let us take the Local Self-Government Department. Do I understand you rightly that in fifteen years to come you would find the officers who were working in that Department partly All-India officials, I.C.S. men who have been located in this part of India, there will still be left a number of I.C.S. men who may of course be Europeans or Indians (because Indians may be in the I.C.S. also), and also partly of course people recruited in the province. But for the future the recruitment will be provincial.—That is so.

187. Since provincial recruitment is for all practical purposes to be exclusively Indian it follows when the I.C.S. work their time out, then you will have the services administered by Indian officers who will be all Provincial Service officers ?—That is exactly the position.

188. *Colonel Lane-Fox* : Please refer to page 247 of the Memorandum.* The number of Europeans in the Forest Service has decreased from 28 to 21. Does that mean that recruitment in the Forest Service is steadily decreasing ?—All recruitment of Europeans has been stopped.

189. *The Chairman* : I thought that this Appendix was dealing only with the All-India people. Is not that so ?—That is so.

190. The forests in the Bombay Presidency are transferred. I suppose provincial people are also recruited ?—Provided local candidates are forthcoming.

191. *Lord Strathcona* : Will you please refer to page 241 at the bottom of paragraph 236* ? If you cannot find Indians for these posts—you said, I think, that All-India recruitment would be stopped—what would you do ?—If we want Europeans as experts they will be given better terms. The new services we are now working out are to be (i) Provincial Service, Class I, which is to take the place of the All-India Service, and (ii) Provincial Service, Class II, the terms of which are not likely, I think, to attract the class of Europeans who were attracted by the All-India terms, especially if there is not to be any security of tenure.

192. These statistics are all about Indianisation. Is it a fact that the explanation of the figures given on page 248* is that in the province there are no Indians who are qualified to fill these posts ?—Those are the remnant of the All-India service.

The Chairman : I understand that the explanation is that there were two sources of appointments :—One source which was in the old days the main source, what is called the All-India service, that is to say, people who were examined in England (now they are examined at Allahabad too) and became I.C.S. men. But there is a second source, which is not shown in this Appendix at all.

193. *Colonel Lane-Fox* : Is there any table which will give the actual proportion ?—I do not think so.

The Chairman (to the witness) : I dare say you will get someone in the Secretariat to find out the figures.†

194. *Major Attlee* : You have got a very large area in the Bombay Presidency. You have got four main languages spoken in it. Now, do you find that a man in the Karnatic is always ready to be moved up to Sind ?—He would object to being transferred to Sind.

195. There is, then, a tendency for the Indians to be held up at certain places while the Europeans would not mind being moved to any place. Therefore the Indians would not progress from place to place as the Europeans would do ?—Yes, there is such a tendency.

196. Taking the services as a whole in the Karnatic, would they not tend to be predominantly local men ?—Yes, they would be predominantly Karnatic. I know of a case recently where a Karnatic man was transferred to the Central Division. I think he only stayed there two years. Then he managed to get back.

197. Is it not a disadvantage to an Indian when he wants to come on to a superior post, when a superior post becomes vacant ?—Yes, it would be a disadvantage. But I must just point out that the Indian members of the I.C.S. have to be just as mobile as the European members of the I.C.S.

198. They do not necessarily come from this province at all ?—That is true. But even if they came from this province they have got to move about just as much as others do.

199. Looking ahead to a further process of Indianisation, would not the number of languages in this Province be a disadvantage ?—Yes.

200. If you want to get to the top of the tree, for instance ?—It does not follow.

201. That is certainly going to hamper the Indian more than the European ?—Yes, it may be so.

202. *Mr. Cadogan* : I only want to ask one question. I understood Mr. Turner to say that in the All-India services as a rule if a place falls vacant it is filled up by the appointment of an Indian ?—In the Transferred departments ?

203. Yes ?—That is so.

204. Then how is it possible to give effect to the recommendations of the Lee Commission ? How is that worked ?—That does not apply to the Provincial Services.

* * * * * * * * *

APPENDIX.

(*Vide* Answer to Q. 193).

Statement showing the proportion of appointments in the Imperial and Provincial Forest Service.

Post	Total No. of Appts.	No. of Europeans.	No. of Indians.
IMPERIAL FOREST SERVICE.			
Chief Conservator of Forests	1	1	—
Conservators	4	4	—
Deputy Conservators	22	16	6
	27	21	6
PROVINCIAL FOREST SERVICE.			
Extra Deputy Conservator of Forests ..	1	—	1
Extra Assistant Conservators	21	—	21
Probationers	4	—	4
	26	—	26

PERCENTAGE OF APPOINTMENTS.

Imperial Forest Service ..	51
Provincial Forest Service ..	49

* Vol. VII.

† *Vide* Appendix on this page.

Afternoon.

1. *Khan Badahur S. N. Bhutto*: As far as Indianisation is concerned, I should like to know whether all communities, castes and creeds are represented in it, or only one small class of one community ?—The majority are of the Brahmin class.

2. Is it only one small class of one community which takes advantage of it and monopolises it ?—Certainly the majority are of the Brahmin class, and of the Amils in Sind. That is because they are so very much advanced in education.

3. Was it fair to stop European recruitment in Transferred departments altogether until the other minority communities had their candidates ready to take a share in the administration ?—You are getting some of your men in now; I do not think it is fair to say you are getting none in.

For instance, the Irrigation Department, P.W.D., is a most important department ?

4. *The Chairman*: The Irrigation Department is not a Transferred department, is it ?—No.

5. *Khan Badahur S. N. Bhutto*: The P.W.D. is—one part of it ?—Yes, roads and buildings.

The Chairman: I thought you said Irrigation.

6. *Khan Badahur S. N. Bhutto*: If you consider the figures you will see that apart from European recruitment about 90 to 95 per cent. of the posts are monopolised by one particular class ?—Yes, I think that is so.

7. *Dr. B. R. Ambedkar*: The same applied in the subordinate services, more or less—that the services are more or less monopolised by one particular community ?—That used to be the fact. I would not say it was now.

8. Statistically speaking, the majority belong to one particular community ?—That is so.

9. *Syed Miran Muhammad Shah*: What is the percentage fixed for the Mussulman community in the services ?—I do not think any percentage has been fixed for the Mussulmans themselves; it is fixed for Brahmins and non-Brahmins. No definite percentage, so far as I know, has been fixed for the Muhammadans.

10. What is the reason ?—We are trying to work up to 50-50 for Brahmins and non-Brahmins.

11. Have you got the Muhammadans up to 50 per cent. yet ?—Not yet. We have had these orders in force only for the last 7 or 8 years.

12. *The Chairman*: Would you just explain that a little further ? You ask what is the percentage fixed, and I want to have it quite clear, for my information. What does this mean, Mr. Turner ? Is there a percentage fixed by somebody ?—Government have issued orders that in making appointments every effort should be made to give every chance to all classes, and in order to encourage the backward classes heads of offices are requested wherever suitable candidates are available to appoint the backward classes up to 50 per cent.

13. Is that without regard to the respective size of the different communities ?—I do not think any effort has been made so far to discriminate between the different communities.

14. I gather for this purpose you would call the Muhammadans a backward class, backward from the point of view of education ?—Yes.

15. What others would be included besides Muhammadans ?—The Muhammadans would be classed as what we call intermediate, not backward.

16. Then when you say 50 per cent. are reserved for the backward classes, that does not include Muhammadans ?—I meant 50 per cent for the advanced, and 50 per cent. for the intermediate and backward.

17. I do not quite understand how there can be 50 per cent. 3 times over ?—No. 50 per cent. for the advanced, and 50 per cent for the intermediate and backward, taken together.

18. It comes to this. Your notion is that if satisfactory candidates are forthcoming, half the total appointments should go to those who are not members of the advanced classes ?—Yes.

19. That does mean they should go to a body which includes the Muhammadans ?—Yes.

20. Then I was right when I said that for that purpose the Muhammadans were regarded as a backward class ?—Yes, you can call them that. There is a difference between intermediate and backward.

21. I am quite content. It is the general direction that if possible 50 per cent of the posts shall be reserved to be filled by persons who belong either to the backward or intermediate classes ?—Yes.

22. Is that right ?—Yes.

23. I want to know how that in fact works out. Does it in fact work out in that way ?—It is working out in that way, I think. We have just recently reviewed the effect of the orders, and as far as Government can find out the orders are being obeyed as far as suitable candidates are available.

24. Within what range of appointments does this apply ? I mean, I suppose they are all appointments made by the Provincial Government ?—Yes. It applies from appointments of Deputy Collector rank down to the clerks.

25. *Khan Bahadur S. N. Bhutto*: There are two separate orders, one for Sind and one for the Presidency proper. In Sind the proportion of Muhammadans is 74 to 76 per cent., but their proportion in the services is about 4 to 5 per cent., so therefore there is an order for Sind that there Mussulmans should be given at least 50 per cent., but it remains on paper yet ?—Yes.

26. There is an order in the Presidency applying to Brahmins and non-Brahmins ?—That is so.

27. *Dr. B. R. Ambedkar*: This applies only to clerks' posts, not to the provincial services ?—In the Provincial Services we sometimes go to even more than 50 per cent.

28. The orders were issued in response to a resolution, and the resolution was confined to clerks' posts ?—That is right, but so far as the superior deputy-collector rank goes, appointments of non-Brahmins are very often in excess of 50 per cent.

29. *A Member of the Provincial Committee*: I think the Government always takes a sympathetic attitude in making appointments so far as non-Brahmins are concerned in the matter of the Provincial Services ?—Yes.

30. Can you give me the number during the last ten years ?—I am afraid I cannot.

31. *Syed Miran Muhammad Shah*: Has the Indianisation of the services affected the standard of efficiency of administration ?—So far Indianisation of the All-India services has not gone to such an extent, I think, as to say it has actually led to deterioration in efficiency. The majority of the Indians are men who have been recently recruited and are holding subordinate posts only. They have not yet risen to the posts of responsibility, where their real worth will be tried.

32. Do you make any difference between those directly recruited and those promoted from the ranks ?—In what sense do you mean ?

33. In the sense of efficiency ?—Using efficiency in the sense that you want men who know their job, the promoted man is the better; but if you want a higher standard of, shall I call it honour or honesty, I think possibly the direct recruit may surpass the promoted man.

34. *Sir Hari Singh Gour*: When answering the last question, you meant time has not elapsed sufficiently to enable you to judge of the measure of inefficiency that is produced by the introduction of communal recruitment ?—Yes.

35. Is not it a fact that certain communities have a special aptitude for certain work ? Do not the Muhammadans, for instance, possess a special aptitude

for police work, and the Madrasis for finance ?—Yes.

36. You cannot keep out the Madrasi, for instance, from the Finance Department of your Government or the Government of India or Posts and Telegraphs ?—It is very difficult to do so.

37. *The Chairman* : Are there any Madrasis in the Bombay Government service ?—There are in the secretariat.

38. *Sir Hari Singh Gour* : The Government of India is full of them in the Finance Department and very rightly, because they possess a special aptitude for that branch of public service. Now, when you have introduced the scale of 50 per cent, and it applies to all classes, how will you be able to reconcile these communal claims up to 50 per cent with the special classes of the community that possess special aptitude for certain branches of the administration ?—It is very difficult.

39. In other words, each introduction of these artificial rules, these rules by which a certain community will have a certain percentage of posts in the services, adds to the difficulties of administration ?—Yes.

40. And they endanger the efficiency of the services all round ?—Ultimately I think they must do so.

41. You are not in favour of special protection in the services ; you would have free trade and give the best man the best chance ?—From the point of view of efficiency, certainly.

42. And from the point of view of the interests of the public service generally ?—Yes.

43. This order was very recently passed by the Government of India under pressure from the Legislative Assembly—this order by the Home Department about communal claims ?—Yes.

44. Very recently ?—Yes.

45. And in about three years, therefore, so far as your Government is concerned, sufficient experience has not been gained to judge of the nature and effect of the inefficiency that has been introduced by the introduction of this new method of recruitment ?—We have been trying this for a longer period than that.

46. But it was crystallised into a definite rule three years ago ?—I cannot give you the date of the definite orders, but we have been working on this basis of giving preference where possible to the minorities in recruitment for a longer period than three years. Honestly, I am afraid I must admit it has not tended to increase efficiency.

47. Nor to maintain the ordinary standard of efficiency to which your Government was accustomed before the introduction of communal representation in the services ?—That is so.

48. *Nawab Sir Zulfiqar Ali Khan* : You said in your statement that in the I.C.S. cadre of 136 there were only 31 Indians ?—Yes.

49. Most of them are Europeans ?—Yes.

50. May I know how many out of those 31 belong to different communities ?—They are of all communities, I think.

51. I should like to know the exact numbers ?—There is very fair representation. There are Brahmins, Bengalis, Punjabi Muhammadans, Parsis, Amils, Muhammadans and Banias.

52. You cannot give the exact figures ?—I can count them up if you will give me time.

53. *The Chairman* : Perhaps we can save time by asking the witness, after leaving the box, to let the secretariat have the figures, which will be supplied to each group. Will you kindly do that for us, Mr. Turner, or get somebody to do it ?—Yes.*

54. *Nawab Sir Zulfiqar Ali Khan* : Can you tell me whether during communal disturbances in this Presidency there was any complaint made about the treatment of one community by the officers of the other community ?—There was.

55. For example, did the Muhammadans complain of their treatment by Hindu officers or the Hindus of their treatment by Muhammadan officers ?—In the case I am thinking of, the Hindus complained of the treatment by Muhammadan officers.

56. *The Chairman* : Where was that ?—In Godhra in the Panch Mahals.

57. *Nawab Sir Zulfiqar Ali Khan* : Was there no complaint made by Muhammadans ?—No.

58. Can you tell me if, from the point of view of efficiency, we can make any distinction between a Hindu and a Muhammadan ?—It depends on the work which they have to do. In the case of police, I should prefer a Muhammadan as a rule. In the case of clerical work there is no question a Brahmin is the best you can get.

59. Could you tell me whether, from the point of view of efficiency, a European is not more efficient than an Indian ?—It is rather a difficult question for a European to answer.

The Chairman : Do not you think probably there are so many varieties amongst all of us that there can be no general answer to that question ?

The Witness : May I say that the European has the advantage of having no local connections and no local influences of caste or creed.

60. *Nawab Sir Zulfiqar Ali Khan* : That was the information I wanted to get. Now, from that point of view would not you think that the Indianisation of the services suffers on account of considerations of efficiency on this count ?—You mean, owing to their local connections ?

61. That is to say, the Indianisation of the services would lead to inefficiency ?—They are likely to be less independent than we are and less free in their action ; less strong in their action, possibly.

62. Do you think that, as my friend Sir Hari Singh Gour asked you, the Madrasis enjoy special aptitude for finance ?—One does find them in the Finance Departments, but their special aptitude in Bombay is for shorthand and typewriting. They are the only decent typists and shorthand-writers in Bombay. They are far better than the local men ; you cannot get a decent local man.

63. Do not you think if members of the community here were trained in the same thing they would show the same efficiency as the others ?—I imagine the Bombay people have just as much chance of learning shorthand-writing and typing as the Madrasis, but they are not so good.

64. With regard to Finance departments, who enjoys the monopoly of the posts ?—They are employed in the Finance Department freely, but my own experience is in Bombay that we have some first-class Brahmin graduates in the Finance Department—really first class men who are quite as good as anyone.

65. But this condition of affairs does not exist in other provinces. In the Finance departments of other provinces the Madrasis or Bengalis do not have a monopoly ; the others show just as much efficiency in finance as the Madrasis ?—They have not a monopoly here, by any means. There are some in the Finance Department here and I know there are some in the Finance Department of the Government of India, where they have a majority, but they are by no means in a majority in our Finance Department.

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69. *Sir Arthur Froom* : I should like to be clear as to the exact method of recruitment to the Provincial Services. I am not speaking about the communal question at all now. Is there any sort of examination, or is it by nomination, or how are they selected ?—Partly by promotion from the subordinate ranks and partly by direct recruitment. Taking the Deputy Collector class, for instance, they have a selection committee.

70. And then afterwards is there any efficiency test ?—They are put on probation to work as mamlatdars for the first year, and if they are passed as suitable they go on to a sub-divisional charge. If the Collector reports they are not successful, they are

* See Appendix on page 25.

kept on as mamlatdars and then after a while if they do not make good they have to move out.

71. So there is a period in their career where the more efficient man is promoted ?—Yes.

72. Reverting to the All-India Services, it is a competitive examination ?—Yes.

73. Would you infer from that that there is a higher standard in your service than in the Provincial Services ?—There certainly used to be.

74. Should we conclude from that that the scheme which has now been going for some time, of reserving the transferred subjects for the Provincial Services, means that you cannot get quite as high an administration—that that necessarily follows ? I am not criticising it, but does that necessarily follow ?—Yes, I think it does. I can only say, for instance, I remember three or four years ago we had a Selection Board for the appointments to the Provincial Service. Well, several of the candidates who appeared before the Board and were rejected went straight up to the I.C.S. examination in Allahabad. They had been rejected for the Provincial Service and they went up for the I.C.S. Whether they got in or not I cannot say.

75. *The Chairman* : If you do not know what happened to them, it is not very important, is it ?—It shows it is the same class.

76. *The Chairman* : I am afraid I do not quite follow that. I do not appreciate what light that throws on anything. To go in for an examination and fail in it does not appear to be a qualification for anything. I mean, how do you prove anything by saying that somebody having failed in one thing has subsequently gone in for another ?—Because that type of man would never have thought of competing for the I.C.S. in the old days.

77. And what conclusion do you draw from that ? —That the type of man is lower who is now competing for the I.C.S.

78. *Sir Arthur Froom* : I do not follow it if he did not pass his examination. That is the point I want to make whether the administration can be as effective in the absence of any examination, when the posts for the provincial services are filled by administrators with perhaps an efficiency bar on their services, compared with the rather high qualifications that used to be insisted on in the All-India services, whether in the case of Europeans or Indians. The conclusion one might arrive at is that, at any rate for the present, the administration of these transferred subjects cannot be as high as they used to be in the old days ?—Yes, that is so.

79. *Dr. Suhrawardy* : I would like to put one question. In reply to Sir Hari Singh Gour you told us that Muhammadans have a special aptitude for police service ?—I think they have.

80. Do the Muhammadans form the bulk of police officers in your Presidency ?—A very large proportion. I cannot tell you what the proportion is, but a very large proportion.

81. In reply to a question put by Sir Zulfiqar Ali Khan you have just said that the Hindus had complaints against Muhammadan officials in the recent communal riot at Godhra. Does your answer refer to Muhammadan police officials ?—Yes.

82. May I take it that it is really a complaint against the police which is very common in this country, not so much against the Muhammadans ?—I do not think so, because there was an application made—there was a suggestion of a resolution in Council—that all the Muhammadan police officers should be removed from the district.

83. That is what I wanted to say, that it was against the police officers ?—Muhammadan police officers.

84. *The Chairman* : Is this case to which you are referring still *sub judice* ?—It is.

The Chairman : I am sure you will agree that if it is *sub judice* we had better not ask the official any questions about it.

85. *Dr. Suhrawardy* : Certainly. I want to put another point about efficiency. Would you kindly tell us whether the principle of the Indianisation of services has been accepted by Government in the interests of efficiency, or is due to political pressure and the pressure of public opinion ?—I think they want to meet the natural demand of the Indians to have a bigger share in the administration.

86. Then may I take it that you do consider it a natural demand on the part of the minority communities, who have hitherto been kept out of all services and appointments, if they claim a certain proportion of the loot, by the release of the appointments from the European draft to Indians ?—Very natural indeed.

87. *Sir Hari Singh Gour* : In answer to a question just now you said something as to whether a European servant was superior to an Indian servant. Is it not a fact that you have to take a lot into consideration to say whether one is superior ? There is the language, the knowledge of the habits and customs of the people, an intimate acquaintance with the class of people he has to deal with, and the nature of the work he has to do, which you must consider before you are able to generalise whether one community or a European is superior to another community or to an Indian ?—I quite agree.

The Chairman : That is what I suggested, is it not ? I think we should agree.

88. *Colonel Lane-Fox* : In view of the difficulties to which these communal questions and appointments give rise, has your Government considered the suggestion of setting up a Public Services Commission which would be above all that sort of thing ?—Yes, it has been under consideration.

89. And appoint people on their merits ?—It has been under consideration.

90. Probably nothing has been done about it ?—Nothing, so far, definite has been done. We have, as I say, these selection boards, but the Minister is not bound by the recommendations of those selection boards.

91. That does not apply to all services ? It is one section for each group ?—Yes.

92. Of course, the Public Services Commission would deal with all.—Certainly. The trouble is that there is some doubt as to whether a whole-time public service commission in a province would have a whole-time job—whether there would be enough work for them—and it might be rather costly. But the suggestion has been made that the appointments to the new Provincial Services which are to take the place of the All-India Services should be made by the Central Public Service Commission, and divided amongst the provinces.

93. I suppose it would be possible, would it not, even to group provinces ?—Yes, something like that would be possible. I think the Ministers themselves would welcome it.

94. Can you tell us how the present selection boards are composed ?—Of the selection boards at present the Chief Secretary is the Chairman, the head of the department and one other official expert belonging to the department, and two or three non-officials as a rule. Roughly that is the constitution, I think.

95. When you say the department, which do you mean ?—Supposing it is an appointment in the Education Department, the Chief Secretary would be the Chairman, the Director of Public Instruction, another officer of the Education Department, and then possibly three non-officials.

96. That is the selection work ?—Yes.

97. *Colonel Lane-Fox* : What is their procedure ? Do they interview the various candidates ?—Well, it varies in various departments. In the Revenue Department for the post of Deputy Collector we receive a very great number of applications. What happens is that the applications are generally scrutinised first by the Secretary of the department, who strikes out all those who are obviously unsuitable on the ground that they have no proper qualifications. He then puts up the names to the selection board. If there are three appointments, they decide probably

to call up six for a personal interview. They then interview them and select two names for each appointment, and their names sent up to the Governor for final decision.

98. And as far as possible those selections are made independently of communal merits on the merits of the case at any rate, that is the theory ?—That is the theory ; but even there the communal question does undoubtedly come in, because the desire is to give a greater chance to the minorities to get men into the Departments. That is the official desire of the Government.

99. So that a Public Service Commission would operate in the direction of real efficiency ?—Oh, yes, a thoroughly independent one.

100. *Major Attlee* : In view of the present waste of the Ministers' time, the cost of answering questions, and so on, you might, as a matter of fact, save by the appointment of a selection board ?—I could not say, but I should think that it might be quite possible.

The Chairman : I am sure we are all very grateful to Mr. Turner for his courtesy and patience, and the clearness with which he has expressed his views to us. I have the authority of all my colleagues to thank you, Mr. Turner, very much.

Mr. A. M. MACMILLAN, C.I.E., I.C.S., Collector of Ahmednagar.

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101. *The Chairman* : Mr. Macmillan, are you a member of the Indian Civil Service ?—Yes.

102. And I believe you entered the service in 1903 ?—Yes.

103. Is your experience in the districts or in the Secretariat ?—Entirely in the districts.

104. And I think the Bombay Presidency is divided, is it not, into four divisions, if one includes the Northern one ?—Yes, four.

105. The Northern one, the Central one, where we are now, and two others ?—Yes.

106. Have you had experience in more than one of those districts ?—In Sind and the Northern and Central divisions.

107. That is to say, in all except the south ?—And the Karnatak part of the Southern.

108. Some experience in the south ?—Yes.

109. I suppose as Assistant Collector and then as Collector ?—Yes.

110. We are going to confine ourselves to getting your help in the course of the afternoon, and thus make way for others, on one single thing, if my colleagues agree with me. It will be very interesting to us to get from you some account of your experience of the way in which elections work in this Presidency. Have you had responsible charge in respect of the conduct of elections ?—Yes, with regard to the elections in 1923 and 1926.

111. Are those elections for the Legislative Council ?—Yes.

112. The Bombay Legislative Council ?—Yes.

113. That would be the general election of November, I suppose it was, of 1923 ?—Yes, and of 1926.

114. What was the part of the Presidency where the elections were conducted for which you were responsible ?—In the Surat district in 1923, and in Ahmednagar in 1926—in Gujarat.

115. No doubt in the course of your service you also got some general impressions and some general knowledge on the subject of the working of elections elsewhere ?—Well, those were the only two cases in which I had any experience of what actually occurred at a council election. Apart from that, I have had only experience of elections to local boards and municipalities.

116. Now let me ask you two or three quite concrete things, and I will leave others to take up the tale. First of all, it would be rather interesting to have your own impressions about the freedom with which candidates come forward. We are all aware of the way in which, unfortunately, opinion tends to divide itself on racial and communal lines. I suppose there will be non-Brahmin candidates and Brahmin candidates, there will be Muhammadan candidates, and there will be candidates from other communities. Now first of all, in your experience, what do you say as to the range of choice—I mean, how many people stand, what sort of people stand, in your experience ?—I think the leading members of the communities were usually prepared to stand.

117. Then is your experience this, that as far as candidates are concerned, candidates come fairly freely forward ?—Yes, I think so.

118. Do you remember how many candidates were there, for example, in the elections that you conducted in Surat—was it in one constituency or more than one ?—One constituency—one district constituency ; non-Muhammadan. There were three candidates.

119. As to polling booths, the area of your district, Surat, is about how large ? Can you compare it with an English county for me ?—Well, I could not compare it directly. I think it is about 2,000 to 2,500 square miles.

120. We have been told, for instance, that there is one district which is as big as Yorkshire ?—My present district is about, I think, 6,000 square miles.

121. Then if the district is as large as that, you must, I should have thought, have to have a great many places where people can vote, otherwise they must come a considerable distance ?—Yes.

122. What do you say about the facilities of the voter to get to vote ?—I do not think the distances are so great as to prevent people from going to vote, or as to make it very difficult for them. They are accustomed to going long distances to market towns weekly, and so on, and I do not think they feel the distance.

123. What sort of distance do they have to go ?—Probably up to about 5 or 7 miles.

124. Large parts of the area will be pure country, will they not ?—Yes.

125. I had an impression that sometimes the villagers had to go farther than that ; but in the district you are speaking of that is about the distance ? —I could not say exactly ; that is my general impression, that about 5 or 7 miles is usually the greatest distance.

A Member : There is more than one polling station, I understand, in each district.

The Chairman : Of course ; because otherwise people would have to go much more than six miles ; but you cannot have polling stations in every square mile ; there must be cases where the voter has to go some distance. I wanted to know how far. From our point of view, of course, we live in a very small and crowded island, and we are able to get the polling stations usually, not always, closer. On the other hand, in Australia, as Lord Burnham has just reminded me, there are cases where the voters have, I believe, to go as far as 100 miles. So do not think I am criticising ; I am only wanting to know.

Sir Hari Singh Gour : In my constituency voters had to go 125 miles, in the Central Provinces.

126 *The Chairman* : It may be that when one comes to elections to the Legislative Assembly the distances tend sometimes to be rather greater. However, we are here speaking of the Council. Now, what is the actual part you take—I mean, do you act as returning officer ?—Yes, as returning officer.

127. And therefore you have the business of presiding over the counting of the votes ?—Yes.

128. Do you think the counting of the votes is satisfactorily done ?—I think so, yes. It is a very slow process, as it was run.

129. * * * What about the list of voters ? How does it come to be prepared ? I suppose the

village officers prepare it ?—It is prepared originally by the village officers.

130. Is it printed ?—Yes, printed and published.

131. I suppose the presiding officers in the polling stations have a copy and tick people off ?—Yes.

132. What percentage, in your experience, in your areas, are literate in the sense that they can do the physical act of voting without assistance, and what percentage of them, in your experience, have to be helped as illiterate ?—I believe the actual percentage is about 45 of literate voters.

133. Out of 100 voters, 45 would be literate ?—Yes, I think that was the percentage in the last roll.

134. That is for the whole of the Presidency taken together ?—No, I mean for the district.

135. Is that Ahmednagar ?—Yes.

136. Now let us suppose an illiterate voter comes in who cannot vote without assistance, just tell us what it is that happens ?—Well, the polling officer, when he comes in, gives the voter a voting paper, and I think the presiding officer explains to him how to fill it in. The names of the candidates are printed with some symbol which has been published for some time before.

137. With the symbol ?—Yes, the symbol which has been used through all the period of the election.

138. So that even if he cannot read the name of the man of his choice, he may know the symbol ?—Yes.

139. The picture ?—Yes, and then the polling agents, the candidates' agents, are outside, and they explain to the voter.

140. Still, I suppose the candidate's agent does not fill up the paper ?—No, he is not allowed inside the polling station.

141. * * * I have been told, or I have read in these books, that at one time the method was used that you just described, I think they call it cross and symbol, and that on other occasions an attempt has been made to use a rather different method, a method of coloured boxes. If you want to vote for A you must put your ballot paper in a box of a particular colour. Which is the method which, in your experience, is used ?—The cross and symbol method.

142. You have not seen the other used at all ?—No.

143. It has been used, has it not ?—I think it was used in the first elections.

144. It has the obvious disadvantage that anyone who happens to be there can see which way you are voting; that is so, is it not ?—Yes.

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A Member: There is a screen.

The Chairman: I had not appreciated that.

145. *Mr. Hartshorn*: Is there a financial limit, a limit to the amount of money that may be spent by candidates in an election ?—I do not remember the rules sufficiently to say.

The Chairman: I am sure there are some gentlemen who will tell us at once. Is there a financial limit ?

A Member: There is no limit; you can spend as much as you like.

The Chairman: As long as you spend it legitimately, I presume.

The Member: Yes.

146. *Lord Strathcona*: Are they required to deposit money ?—I think they are.

The Chairman: What is the limit ?

Khan Bahadur S. N. Bhutto: Rs. 250 for Councils and Rs. 500 for the Assembly.

Lord Strathcona: Do they forfeit their deposit if they do not get a certain proportion of votes ?

Khan Bahadur S. N. Bhutto: Yes, if they do not get one-eighth of the total votes recorded.

147. *Colonel Lane-Fox*: What are the limits of what a candidate is forbidden to do ? On what is he allowed to spend money ? For instance, is he allowed to spend money on conveyances ?—No.

148. Can his friends hire motors for him ?—I do not know.

149. Is the law strictly carried out ?—In the last election in Ahmednagar, there was an election petition and the principal ground was that hired conveyances were freely used.

150. *The Chairman*: I think I heard you saying that there was an election petition in Ahmednagar after the elections and the illegal methods alleged were that the voters were brought to the polls in hired conveyances. Is that against the law ?—Yes.

151. *Colonel Lane-Fox*: Is that done frequently ?—I think it is done a good deal.

152. I think another ground was personation ?—Yes.

153. What was the result of the election petition ?—The election was set aside.

154. At page 425* a description of the system of elections is given. * * * That is a general statement. Would your experience of the elections confirm this statement ?—In the election that I was referring to, it was shown that 40–50 motor-cars and 40–50 tongas were actually hired directly or indirectly for the purpose of the election and that the payments were concealed in the accounts.

155. I wanted to know whether generally the law is not carried out, if there were irregularities ?—I think as a rule vehicles are obtained in a roundabout way. As a rule there is no direct payment by the candidates themselves.

156. And treating is of fairly common occurrence ?—I have not seen anything of it myself, but it is said to be fairly common. I have not anything to do with inquiries made directly with it.

157. What procedure is adopted when an election petition is filed ? Before what authority or court is it brought ?—It is heard by a Commission. In the case of the Ahmednagar election petition there was one District Judge, one retired District Judge and a retired member of the Council, Sir Mahadev Chaubal, who were appointed as a Committee of three to inquire into the allegations in the petition.

158. The petition is very rarely successful ?—Very rarely. I do not know of any other that has been successful.

159. I think you said that personation is avoided by the agents of the candidates being outside the polling station ?—Yes.

160. And therefore a man cannot present himself inside and give a false name but with people coming from long distances it must be much easier to do that ?—As a rule there are agents present, and also some of the local officials. If there is any doubt as to the identity of the person coming to vote, the presiding officer gets hold of any one of them, possibly one from the same village, to identify the voter.

161. But the agent of the candidate will not be inside the polling booth ?—No, just outside.

162. A man may present himself to the presiding officer and say " I am so-and-so " ?—Before a voting paper is given the signature of the voter is taken on the counterfoil of the voting paper.

163. He goes through to the presiding officer as identified ?—Yes, he is identified outside.

164. *Major Attlee*: Was the last election in Ahmednagar keenly contested ?—Yes, fairly keenly contested.

165. On page 424* it is stated that voters do not ordinarily go to the poll of their own accord. That is uncommon at home. Would that apply to Ahmednagar ?—In the towns, I think, a fairly big proportion of voters are sufficiently keenly interested in the result of the election to go to the polls of their own accord, but in outlying parts, i.e. in rural areas of a district, they are not very keen as to the success of any candidate. I might add that in some of the rural areas they were probably interested in the success of the non-Brahmin and Mahratta candidates as against the Brahmin and Marwari candidates.

166. Are there any permanent organisations in Ahmednagar which act in between election times ?—I do not think so.

167. There is no regular organisation ?—No, I do not think there is any permanent organisation at all.

168. Take a by-election either for the Central

* Vol. VII.

Legislature or for the local Council. It is a sort of *ad hoc* organisation run by the candidate ?—Yes.

169. You have not a permanent political agent, and so on ?—No, not for a candidate. There is a party organisation, the Congress organisation, but there is not any organisation to push a particular candidate or to prepare the way for a future election.

170. Were meetings held in villages during the election ?—Not very many in Ahmednagar.

171. Did the candidates visit each village ? They could not get round all of them probably ?—I do not think so ; they visited only the important centres in the district.

172. Did the villagers come to those centres to hear the candidates ?—I do not know. I went to Ahmednagar just at the time the elections were being finished. From my experience of the elections at Surat, I might say that there the candidates did hold meetings widely all over the district, and did a good deal of active electioneering, but there was much more interest shown in Surat than in Ahmednagar.

173. Was there much distribution of literature ?—In Surat there was a great deal, and a certain amount in Ahmednagar.

174. *Mr. Cadogan* : I should like to know whether in your experience of elections in the two districts, you found that there was any considerable or significant proportion of illiterate voters who took real interest in the elections or in fact even went to register their votes ?—I do not think there is generally a large proportion ; I do not know if there are any statistics of the proportion of illiterate voters who voted.

175. Probably it will be small ?—Among the cultivating classes, I do not know that literacy or illiteracy will make very much difference in the proportion.

176. It would not ?—I do not think it would.

177. *The Chairman* : You told us that in the district you were speaking of, figures show that of the voters who voted 45 per cent. were literate. That means that 55 per cent. were illiterate and therefore more illiterate people voted than literate.—The proportion of the illiterate voters who actually voted might be very much the same as that of the literate.

178. *Mr. Cadogan* : That is the answer to the second part of my question. The first part is, I think, important. I want to know whether they take interest in the questions which affect their district and in party politics—the illiterate voters, I mean ?—I do not think literacy or illiteracy in the rural areas very much affects the interest of the voters.

179. *Mr. Miller* : You say the lists of voters are prepared by village officers. Who are those village officers ?—The village accountants and headmen.

180. Is there any system by which their lists are checked ?—I think they are checked in the Mamlatdar's office at the head-quarters of the taluka. The main qualification is the amount of land revenue that is paid by a holder of land or the amount of land held by a tenant. This information is easily obtainable because it is already contained in the village land records, so that as far as that part of the vote goes, it is a matter of extracting information from existing land records. And if any doubt arises as to the qualification of any voter it can always be cleared up by a reference to these records.

181. *Khan Bahadur S. N. Bhutto* : Is it not a fact that these village officials are very heavily worked and that they have not got enough time to prepare the lists and it has been found out that even the names of people who have been dead for six or seven years continue to exist on the lists ?—No arrangement was made for keeping the lists up to date. In the last election there were innumerable cases of dead people still remaining on the list. In the case of election petitions there were some cases of personation where people came forward in the names of people who have been dead for two or three years. They voted in the names of people who had been dead for years. The reason was that they prepared the roll and then did not have any arrangement for getting it corrected from time to time as people died or gave up lands and so on, and so it was incorrect.

182. They simply copied out from the old lists ?—They did do that. Now I think arrangements have been made for getting it up to date.

183. Is it not a fact that in each district you have got 40 to 60 polling stations and each taluk 4 to 8 such stations ?—Yes.

184. And you have not got enough responsible officials in the district to preside over the pollings and sometimes they are presided over by petty people like talatis ?—No. All the officers were as far as possible gazetted officers, officers like the district officers, deputy collectors and sub-judges and so on.

185. Have you got in each district gazetted officials numbering from 40 to 60 who could preside over the pollings ?—Of course they do preside.

186. They may go round but the actual work is done by the small petty officials ?—No. Those officers are in charge and attend throughout the polling. The polling officers are only assistants for doing the work of identifying and all the clerical work. The person actually presiding is the senior officer who is generally a gazetted officer or a senior subordinate officer.

187. Is it not a fact that most of the illiterate voters are at the mercy of the petty officer who presides over the polling station because he has to accompany them outside the room ? You may also have noted that in your district most of these illiterate voters are simply stupid. They know absolutely nothing though the matter is repeatedly explained and they simply mark at the place they are shown ?—The candidates' agents are supposed to instruct them.

The Chairman : Your putting of the question is also in effect giving me information. Do I catch you to say that in your view the illiterate voter in putting his mark on the paper is at the mercy of the officer ?

Khan Bahadur S. N. Bhutto : Yes, of the officer who presides over the polling station or the one who records the vote.

The Chairman : You mean that the officer is the person who marks his name for him ?

Khan Bahadur S. N. Bhutto : When the voter is not able to make any distinction that officer has to accompany him to a room and record the vote for him.

The Chairman : There is no other way that occurs to me by which a person who is illiterate could vote.

Khan Bahadur S. N. Bhutto : That is the point. It is very dangerous to give franchise to illiterate voters.

The Chairman : That is the trend of your question ? You are disposed to think that a citizen who is illiterate ought not to be regarded as qualified to vote ? That is your point ?

Khan Bahadur S. N. Bhutto : Not exactly that. What I want to bring to your notice is that most of the illiterate voters are not able yet to appreciate the vote or to use their vote properly.

The Witness : I think they do not need the assistance of the presiding officer. They have it explained beforehand by the agent and people now know it fairly well. I do not think most of the illiterate people need any assistance in making their marks. It is a perfectly simple system.

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191. What about the engaging of conveyance by the candidates for the voters ? Has that ever come to your notice ?—I had never any occasion to look into it except in this particular election in Ahmednagar. I had never any occasion to ascertain about it.

192. *Dr. B. R. Ambedkar* : Have you any idea as to the amount of expenditure that a candidate incurs in the matter of his election ? Can you make a guess ?—No ; I could not say off-hand.

193. I suppose you get the list of expenses which

the candidate is bound to return ?—Yes. It passes through me.

194. Have you any recollection ?—No. I do not remember.

Would you say that it is a heavy expense ? I do not wish to bind you down to any figure.

The Chairman : What I feel about it is this. If you, gentlemen, think it is useful to bring out certain facts which are of course within the knowledge of many of you, it will be very convenient if you would suggest a figure or indicate your own view which we shall be glad to know.

195. *Dr. B. R. Ambedkar* : Would you accept the figure, say, Rs. 10,000, as the ordinary election expenditure in a district ?—It varies very much in the Nagar district. Some of the candidates who do not take the election very seriously put in a list of about a few hundred rupees.

196. What will it be by a successful candidate ?—I do not remember. It may be somewhere between Rs. 1,000 and Rs. 3,000 or Rs. 4,000 as far as I remember, but I cannot give definite figures.

197. These are the returns ?—Yes.

The Chairman : I shall be very glad to have your view. You suggest Rs. 10,000. Is it reasonable ?

Dr. B. R. Ambedkar : I think it is somewhere round that figure in most cases.

198. Do you think that a district is a convenient area as a constituency ?—It is rather a large area for effective electioneering.

199. It is too large to establish any definite connection between the candidate and the electors ?—It is.

200. Having regard to the paucity of transport facilities, the lack of roads, etc., the area is so large that there is no effective connection between the electors and the candidate ?—I think it is large.

201. *Rao Saheb D. R. Patil* : Is it not a fact that the voters from the agricultural classes have taken keen interest in exercising the right of franchise ?—I would not say that as a class they have taken keen interest, but certain groups of them have ; they have taken a keen personal interest in the election of their communal representative.

202. Do you not think that in the interests of the proper exercise of the right of franchise there ought to be more polling stations for the convenience of the voters ?—Yes, in most cases it would be more convenient ; but against that has to be weighed the possibility of getting thoroughly reliable presiding officers.

203. That is the function of the Government ; they have to provide the proper men ?—If they are not available how can you provide them ?

204. Is there any scarcity of proper men ?—Yes, such men as we consider suitable for acting as presiding officers like magistrates, sub-judges, deputy collectors and senior members of the Education Department.

205. Supposing the Government take it into their head to provide sufficient number of persons, then it will be in the interests of the voters to have more polling stations ?—It would be if people could be provided for all.

206. Whatever evidence you have given is evidence based upon hearsay, because as a returning officer you have not to go to the polling stations ?—Yes.

207. Whatever evidence you have given is from the information received from your subordinates ?—Yes, most of it is from general observation.

208. *Syed Miran Muhammad Shah* : What is your experience ? How do the voters of your district go to the polling station—being prompted by political sentiment or on account of entertainment given to them by the candidate ?—I think mainly on communal grounds or because of personal knowledge of one of the candidates or because of personal influence having been brought to bear by other people who are interested.

209. Does the question of providing conveyance interfere with the discretion of the voter to exercise his vote ?—I have had no opportunity of observing what takes place, but arrangements are made for conveyance.

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210. *Syed Miran Muhammad Shah* : What is your opinion as regards the standard of franchise obtaining at present ? Do you wish that it should be raised, or that it should be lowered ?—I think if it were lowered considerably, it might lead to a smaller percentage of the electorate polling ; and, if that were so, it would be much easier to manage an election.

211. So, you wish that it should be lowered ? What is the maximum you would prescribe ?—At present the percentage is about 40. If you double the electorate, it may lead to a larger number of those who really might, not troubling themselves to exercise their vote. It may lead to only about 25 per cent. of the total electorate ordinarily voting. In that case, if only 25 per cent. vote, it would be much easier to influence the result of an election by good management.

212. Would you then agree to adult suffrage—say that a candidate can vote after 21 years ?—I do not think that it is desirable at present.

213. *Sir Hari Singh Gour* : As regards the question of the interest taken by voters in elections, is it not a fact that in every village these voters discuss politics ?—I do not think that would be true of that part of the Deccan that I know.

214. If it is not the rule, it is not exceptional, is it ?—I do not think there is very much discussion. I have no way of knowing, but I don't think so.

215. You have no way of knowing that ?—No ; I do not think that villagers meet for the discussion of politics.

216. As regards the polling day, there is one time and place fixed for voters. Take, for instance, your own case. You may have been a voter in Surat, and it is transferred to Ahmednagar, and you may like to vote in Surat. But if on that particular day you happen to be in a different place, you lose your vote ?—Yes.

217. In the case of certain men who have to go on urgent call and so on, would you not suggest a certain amount of relaxation and allow a voter to record his vote either before a Stipendiary or an Honorary Magistrate, or in some other way ?—I do not see any objection.

218. Then as regards hiring of vehicles, supposing there was an embargo against hired vehicles of a particular description. You probably know that under the rules hiring of a vehicle is not a corrupt practice unless it materially affects the result of an election. But supposing you make a rule that if a candidate is found hiring a single vehicle then he would be unseated, what percentage of voters would fail to go to the poll in that case ? You have got 40 per cent. now when you have got the hired vehicles for conveying voters from their place of residence to the polling boths, sometimes 5 or 6 or 7 miles away. What would be the percentage of reduction in the voting strength ? It would reduce the percentage to some extent. Is it not so ?—Yes, it would.

219. Do you think it would be convenient to a voter to walk all the distance to the polling booth, leaving his bullocks and ploughs in the field, to discharge his public duty of voting for the candidate whom he liked so well ?—It is a question of how much he is interested in it. I cannot say that, but if he is going to do exactly the same thing as his going to the market once a week, he might as well go to the polling booth.

220. But to the market he is going to buy his tobacco ?—It is a question of the relative importance of buying tobacco and voting for a candidate.

221. Of the successful candidates that have been returned to the Bombay Council, how far have they kept themselves in close touch with the constituencies that returned them during the last three years ?—I do not think that he keeps very directly in touch

with his constituency, but he probably ascertains what the public feeling is from a few people of influence among his constituents.

222. In other words, he keeps in close touch with the few key voters who influence the general election ?—He keeps himself acquainted with the state of public feeling through a few people.

223. In that sense he does keep in touch with his constituency ?—Up to a certain point.

224. Now, since the introduction of the party system in the general elections for this country—you have the Swaraj party, and then the Congress party, and you have the Moderate party and so on—do you think that the party system has very much, or to any extent, influenced the course of election in your presidency ?—Yes. I think the work of the party organisation did influence that.

225. Has it penetrated the rural areas ?—Yes, in some parts ; for example, Gujarat.

226. *Nawab Sir Zulfiqar Ali Khan* : Mr. MacMillan, I understand you have the experience of several elections. You were the Returning Officer for two elections ?—Yes.

227. I understand from Dr. Gour's questions that you think that the percentage of votes cast is about 40. Is that so ?—Yes.

228 Is there any higher percentage existing anywhere else ?—I think it does go up to something higher than that, say, up to about 50 in some places. I do not know the figures, but I know that it does go rather higher than 40 per cent. in some constituencies.

229. In some places you think it may be lower than 40 ?—Yes, in some cases it may be lower.

230. What reasons would you assign to this low percentage ?—I think a great many of the voters have no interest, and they know nothing about political questions. They have no real interest. They do not know exactly what the members do when elected. They do not understand the system at all. There are lots of people in rural areas who do not know what the votes are for.

231. Then you think that people do not take adequate interest in the system of election ?—The people as a whole do not take very great interest, I think, in it.

232. *Sir Hari Singh Gour* : Then you think they do not appreciate the value of a vote. The individual who has got the right to vote does not rightly value the vote ?—I don't think he thinks about it very much at all. He knows only that someone wants his vote.

233. *The Chairman* : Why should he leave his fields and go sometimes great distances to vote ? What inducements are there which make these people leave their ordinary work and go to great distant places ?—They understand that it is a question of selecting some individual to fill some important position.

234. Might the possible inducement sometimes be a money payment ?—I believe that is sometimes the inducement here. But as regards people to whom no such inducement is offered I think they have a general idea that election is for the purposes of selecting persons for some sort of important positions and they have an interest in choosing the best of the candidates or one in whom they have interests communally.

235. I should count that myself as indicating a political interest—not perhaps a definite interest. Your view is that they have no great interest ?—I do not think that there is any great interest taken by them.

236. *Sir Sankaran Nair* : What are the chief considerations guiding a voter in determining his choice of a candidate ?—Partly personal and partly communal, partly that the selection of a particular person will advance the public interest as well as his (the voter's) interest in public affairs. In the last election there were four candidates—a Brahmin, a Marwari pleader connected with the Marwari money-lending community, a Mahratta Jagirdar and a Mahratta pleader. Some of them were interested in the Brahmin candidate as one having taken great interest in public affairs in the Local Board and the Municipality and the co-operative movement and so on. The Marwari candidate was connected with the Swaraj Party organisation. The two Mahratta candidates obtained a number of votes simply as Mahrattas ; but each of them had quite a large following. The matter is one of personal interest.

237. Do you think that indebtedness of the people is a hindrance in the right of voting ?—In the last election the Marwari came easily at the head of the poll, and I think that must have been partly due to the financial influence of the Marwari community.

238. *Sardar Shivdev Singh* : What do you think the lack of interest in the majority of voters is due to ?—Well, the lack of understanding and the knowledge of public affairs. There is no way of obtaining any knowledge of public affairs or getting any information about public affairs unless a candidate stands for election.

239. It comes to this, that the lack of education is the cause of lack of interest in the vote. If the voters were educated, the papers would go to their hands and they would come to know what is happening. They would then be able to judge for which candidate they are to vote ?—No, in the outlying parts they have no other way of becoming acquainted with any questions of public policy at all or any political questions.

240. Except through reading papers ?—Yes.

241. *Dr. Suhrawardy* : Mr. MacMillan, is it not a fact that the rules against the use of hired vehicles serve as a severe handicap for the poor candidates ?—I cannot give an opinion on that.

The Chairman (to Dr. Suhrawardy) : You mean that those who have got no friends who can lend their private conveyances must necessarily have recourse to hire.

Dr. Suhrawardy : Yes, that is my view.

242. *Sir Hari Singh Gour* : (to the Witness) : You referred to the gentleman who got at the top of all other candidates. Was he not a member of the Swaraj Party ?—Yes.

243. How far was his success due to the financial backing, how far to the fact that he was a member of the Swaraj Party ?—I cannot answer that.

244. *Lord Burnham* : May I ask you one general question for my information ? In your opinion is it the case that communal differences either between Mussalmans and Hindus or between advanced and backward classes make voters take more interest in the election of the candidates whom they would favour on communal grounds ?—I think that is so.

245. Therefore in that sense communal differences are an incentive to political consciousness. Is that so ?—I do not know how far it would involve any real interest in political questions or only in communal rivalry.

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246. *Rao Saheb D. R. Patil* : Mr. Macmillan, may I ask one other question ? Is it a fact that in urban areas there is a large number of voters and in the rural areas, if you take a group of villages the votes contained in that group are equivalent to the votes in one single city or town ?—Yes.

247. So, do you not think that there ought to be two separate constituencies, namely, urban and rural, as we have got in the Central Provinces ?—Yes. Is that for groups of small towns ?

248. Take into consideration all the municipalities in a particular district. Suppose in a particular district there are three seats. If we take all the municipalities and group them together and make them into one seat and allot two seats for the rural areas taking into consideration the number of voters, how would it be ? That practice is in vogue in the Central Provinces. Do you not think that practice is desirable also in the Bombay Presidency ?—I doubt if it is not better to keep the small towns and the rural areas of which they are centres as one. It is different for cities like Ahmedabad or Bombay.

249. Supposing in a particular district there are

big towns and the number of voters there is equivalent to the number of voters in one whole taluka. Then in such a district do you not think that there ought to be two separate constituencies, urban and rural ? —It might be possible. You may get more representative members if you separate out the interests of the rural and urban areas.

LIST OF INDIAN MEMBERS OF THE I.C.S., WITH THEIR RELIGION AND CASTE, ETC.*

Serial No.	Name.	Religion.	Race, Tribe, Caste or Nationality.
1	Hon. Mr. Justice G. D. Madgaonkar	Hindu ,,	Brahmin (Gaud Saraswat).
2	Dr. F. X. De Souza	Roman Catholic	Indian Christian (Race).
3	Mr. J. Ghosal	Brahmo	—
4	Mr. Balak Ram	?	
5	Mr. Hamid M. A. Ali	Muhammadan	Shiah (Tribe).
6	Mr. A. R. Dalal	Zoroastrian	Parsi (Race)
7	Mr. D. D. Nanavati	Hindu	Vania (Desawal).
8	Mr. N. J. Wadia	Zoroastrian	Parsi (Race).
9	Mr. J. A. Madan	Hindu	Daivadnya.
10	Mr. H. K. Kirpalani	,,	Kshatriya (Amil).
11	Mr. K. C. Sen	,,	Vaidya.
12	Mr. V. S. Bhide	,,	Brahmin. (Chitpavan).
13	Mr. G. S. Rajadhyakshya	,,	Brahmin (Gaud Saraswat).
14	Mr. M. D. Bhat	,,	Brahmin (Chitpavan).
15	Mr. C. B. Nagarkar	Brahmo	—
16	Mr. P. N. Moss	Zoroastrian	Parsi (Race).
17	Mr. G. H. Guggali	Hindu	Lingayat.
18	Mr. U. M. Mirchandani	,, ,,	Kshatriya (Lohana Amil).
19	Mr. Saiyid Aminuddin	Mussalman	Syed (Tribe).
20	Mr. R. S. Bavdekar	Hindu	Brahmin (Gaud Saraswat).
21	Mr. M. D. Bhansali	,,	Kshatriya (Bhansali).
22	Mr. D. V. Vyas	,,	Brahmin (Audich).
23	Mr. K. L. Punjabi	,,	Kshatriya (Punjabi).
24	Mr. G. K. Joshi	,,	Brahmin (Chitpavan).
25	Mr. A. D. Gorwala	Zoroastrian	Parsi (Race).
26	Mr. D. W. Kerkar	Hindu	Brahmin (Gaud Saraswat).
27	Mr. J. N. Mehta	,,	Bania (Visha Modh).
28	Mr. H. V. V. Iengar	Hindu	Brahmin (Shree Vaishnava).
29	Mr. H. K. Chainani	,,	Amil.
30	Mr. L. T. Gholap	,,	Brahmin (Desastha).
31	Mr. H. M. Patel	,,	Patidar (Lewa).

POONA.

Dated, 18th October, 1928.

Morning.

PRESENT :

ALL THE MEMBERS OF THE COMMISSION, AND OF THE CENTRAL AND THE BOMBAY PROVINCIAL COMMITTEES.

Mr. GILBERT WILES, C.I.E., I.C.S., Secretary to the Government of Bombay, Finance Department.†

1. *The Chairman*: Mr. Gilbert Wiles, are you Secretary to the Government of Bombay in the Finance Department ?—Yes.

2. We need not go through your record; I have no doubt that it is a long and useful one; but for how long have you been Finance Secretary to the Government of Bombay ?—Five years.

3. So that the Montagu Report and the action that was taken on it would be before you became Finance Secretary ?—Yes.

* * * * * * * * *

6. * * * I understand the Montagu-Chelmsford Report, on this subject, to take this view: it says, in effect, that the old system by which the Government of India made arrangements with the provinces and agreed that the provinces should be allotted from central funds certain amounts was a system which must be altered in view of the new constitution which the Montagu-Chelmsford Report suggested. That is right, is it not ?—Yes.

7. My British colleagues, of course, will have noted what is familiar to others but curious to us, namely, that the old, pre-Reform system was called a system of permanent settlement, though "permanent settlement" was used in that connection in quite a different sense from the sense of permanent settlement in Bengal in land revenue. It meant there had been an arrangement by which each Province got from the Government of India what was thought to be or agreed to be a proper amount, measured, I imagine, by some estimate of each province's needs ? —Yes.

Sir Hari Singh Gour: It was called a system of doles.

8. *The Chairman*: It may have been called that, but it was measured according to the needs of the provinces. The first point the Montagu-Chelmsford Report made was this: If you are going to set up the reformed constitution and give the Provincial Government the responsibility which you propose,

* *Vide* question No. 53, p. 18.

† See his further evidence on page 49.

you must not go on giving them doles, but you must have a new system. That was the first point?—That is so.

9. I understand the second point was this. They suggested this would be best done by what they called a complete separation of sources of revenue if that was found possible, and they therefore proposed to abolish what used to be known as divided heads: is not that right?—Yes.

10. If I understand it rightly, in the old days before the Reforms as regards land revenue, to take that as an example, land revenue under the permanent settlement was equally shared in most provinces, was not it, half going to the Central Government and half to the province?—I think so, yes.

11. I do not think that is absolutely correct everywhere; I think in the old days Burma got rather more than half and the United Provinces rather less, but that does not matter; that was the kind of principle. Then I think the next thing the Report suggested was the kind of distribution of heads of revenue which would be proper. For example, land revenue was marked down as a provincial head and income-tax, at any rate in principle, was marked down as a central head, and so on. We need not go into all the details, because they were slightly changed. Then I think they pointed out there might have to be some adjustments and they discussed how those adjustments should be made. Do I understand rightly that the reason why adjustments would be needed would be this, that if the Montagu-Chelmsford scheme for the distribution of heads of revenue was strictly applied it would have left the Central Government with a deficit?—Yes.

12. And therefore it would be necessary, while making the separation of heads of revenue, to get from the provinces some contribution to meet that deficit?—That is so.

13. And to some extent that is worked out in the Montagu-Chelmsford Report. There are two passages in that Report which are very important for us. First of all, I notice that after making their suggestions as to how the deficit was to be met by contributions, they say in para. 206 (top of page 170*): "We recognise, of course, that the objection will be "taken that some provinces, even under this plan, "would bear a very much heavier proportion of the "cost of the Indian Government than others," and then they go on—but I will take the details later. I notice also that at the bottom of the same page, in para. 207, the authors of the Montagu-Chelmsford Report in express terms indicate that it would be one of the duties of the Statutory Commission, when it came into existence, to examine the development of constitutional changes in the light of ten years' experience and to reinvestigate the question of the provincial contributions to the Government of India. That is half-way through para. 207. So I think my colleagues will all agree that it looks as though whether we like it or not we have to enter on this, because it is one of the things we are specially told to do. That was in April, 1918. I pass over intermediate events, and the fact I want you to bring out for me in this. It seems to me that the much-criticised Meston Report is not the next thing that happened that was important; the next thing that happened was the consideration of the financial scheme by the Joint Committee of both Houses of Parliament. Is not that so? I will give you the dates. I see the Joint Committeee of both Houses of Parliament reported at some time in 1919, and they say in para. 9:—"Doubts have been expressed "from several quarters questioning the financial "adjustment proposed between the Central and "Provincial Governments in India. Without ex-"pressing any opinion on this controversy, the "Committee"—i.e. the Joint Committee of both Houses of Parliament—"accept and endorse the "recommendation of the Government of India that "a fully qualified financial commission should be "appointed . . ." etc. It seems to me, therefore, that it was the Joint Committee's Report which came next in order. That is so, I think?—That is so. That is made clear also in para. 3 of the Report of the Meston Committee itself.

14. They say the same thing, do they? I do not think it has always been realised that that is so. Then we come to the Meston Committee. Let us get our dates right. The Meston Committee was appointed on the 20th January, 1920, and acted most expeditiously; I wish we could do the same; they reported on 31st March, 1920. Now, looking at the Meston Report, what I want to call attention to is this. In para. 5 I notice they say:—"We "read the Joint Select Committee of Parliament "as approving this redistribution"—i.e. the distribution of sources of revenue between the centre and the provinces—"and we considered it would be "outside our duty to advise any alteration of the "scheme in this respect unless we found the strongest "reasons for the change." You see the passage I mean?—Yes.

15. Does not it seem to follow from that—correct me if I am wrong—that the popular view that whatever there is to complain of is fundamentally to be traced to the Meston Committee may perhaps not be quite right? The Meston Committee seem to have taken the view that the broad lines of the distribution of sources of revenue were already imposed, and they were therefore only discussing some adjustments. Is not that the fair view?—That is so, I think. People usually understand what is called the Meston Settlement as being the result of all these considerations by various committees.

16. As I follow it, there are two broad matters of complaint, which are distinct and may not have the same importance. One matter of complaint which is put forward by the Bombay Government and others is this, is not it? They say, "You give "income-tax to the Central Government and you "give land revenue to the Provincial Government. "If you do that you are evidently, so far, treating "an industrialised province, which has got very large "contributions of income-tax to offer, very hardly "as compared with an agricultural province whose "principal interest is agriculture"?—Exactly.

17. That is one argument. Now, in so far as there is force in that argument, that has nothing to do with the Meston Settlement at all?—I would rather say it has nothing to do with the Meston Report.

18. It has nothing to do with the Meston Report at all; it goes back to the Montagu-Chelmsford scheme, which was adopted in principle by the Joint Committee, does not it?—Yes.

19. I want to be clear. We must trace the thing to its root. Now, the second criticism which is made by the Bombay Government, and which is also important (I am going later to ask you which is the more important), is this. They say matters were not left quite like that, because it was necessary to secure some contributions from the different Provinces under the new scheme to meet the deficit at the centre. I understand there is a complaint made here that as a matter of fact the attempt to adjust the thing as between the different provinces by means of those contributions is not one which is fair as between the different provinces. Is not that so?—* * * If I may put it a little differently, our contention is that the abolition of the contributions from the provinces, which were collected in order to make up the central deficit, has automatically increased the injustice as against Bombay—the initial injustice.

21. To put the thing in figures for a moment, it is this, as I follow it. Let us take two provinces, province X and Bombay. (I deliberately do not mention any other province by name.) I understand the point is this. As long as those contributions to the Central Government were going on, each province contributing its allotted amount, the contribution from province X was bigger than the contribution

* Vol. VII.

from Bombay. It was necessary that should be so, if you were going to adjust the original injustice to Bombay. A man who is keeping more than he ought to keep must give more back. A province that is already hard hit contributes less. I understand the point is that now these contributions have stopped, because the Government of India can now balance its budget, and the result is that the big contribution from X, which went some way to compensate Bombay, has ceased, and Bombay is left with the original discrepancy quite uncorrected? —That is so.

* * * * * * * * *

24. It seems to me the second point I have mentioned is partly an historical grievance, but I should have thought in any case it was not nearly so important to Bombay in the future as the question of revising, if revision is right, the attribution of sources of income?—I accept that entirely.

* * * * * * * * *

26. * * * The reason I mention it is that in your memorandum there are very many pages which deal with the past and the inequity of the calculations made, and what I want to know from you is whether the Conference here, facing the thing like practical men, have not got to concentrate on whether a case is made out for reviewing, and it may be revising, the attribution of sources of revenue?—If the Government of India had a big enough surplus to right the wrong which has been done, we might apply for it; but we realise there is not the least chance of that.

27. I should have thought it was rather a secondary matter, to send in your bill of damages in respect of a past injury. What matters is to get the thing put right for the future?—I quite agree that that is more important.

28. While we are on that, I should like you to deal with this point. Perhaps we can most conveniently identify the point if we take the smaller of the two blue books, the one which contains your proposals. I will call your attention to para. 23*, which is a convenient place for reference. I see in the middle of the page there is this passage:—" In " paragraph 206 of the Joint Report it is stated that " Madras and the United Provinces will be paying " 47 per cent. and 41 per cent. of their 'remaining " revenues' to the Government of India, while " Bombay and Bengal are paying only 10 per cent. " A similar statement is made also in the Meston " Committee Report." May I have your help to elucidate that first of all, and then secondly we will see whether that would be any reason for saying that Madras or the United Provinces were being made to pay more. Let us take the 47 per cent. Madras will be paying, it says, 47 per cent. of its remaining revenues to the Government of India. Will you explain to me what that 47 per cent. is? Shall I put it as I think it is, and you can tell me if I am right?—Is it page 206 of the Montagu-Chelmsford Report?

29. I believe this is it, is not it? Correct me if I do not state it clearly. In pre-Reform days a province, say Madras or Bombay, would get from the Government of India, under the system of permanent settlements, a given revenue which we will call X. Estimates were made to find out what, under the new system with separate heads of revenue, a province, say Madras or Bombay, might expect to get; we will call that Y. In many cases, perhaps, Y was bigger than X, and if you were to subtract the old revenue from the new estimated revenue you got what is called the remaining revenue, did not you?—Yes.

30. Different provinces got such very different figures; Bombay, for example, gave up all income-tax and obtained a comparatively small advantage from the new scheme, while some other provinces sacrificed an income-tax which did not matter so much but kept a very large land revenue and got a great advantage. It was therefore necessary that each of them should make some contribution to meet the central deficit, and the contribution in the case of Madras was 47 per cent. of Y minus X, the difference between the new and the old?—Yes.

In the U.P. it was 41 per cent., whereas on the other hand, in Bombay it was only 10 per cent.?

31. I think a great many people, reading that, would suppose that Madras was being particularly hard hit, and Bombay was being very gently treated: is that right?—We hold that it is not right.

32. It is a matter of arithmetic. May I give you an illustration? If I was trying to give two people the same sum of money, let us say one rupee, and I gave one of them a 10-rupee note and I gave the other a 5-rupee note, if I wanted each of them to have the same sum I should expect one of them to give me back nine rupees, and the other to give me back four rupees?—Yes.

33. But that would not prove that I was treating the one man twice as badly as the other?—Quite so.

34. Is not that the point?—Exactly.

35. What happened was, was it not, that these provinces under the new arrangement, some of them, as it were, were getting a larger amount gross?—Yes.

36. And therefore they had to hand back more?—Yes.

37. Other provinces were getting a smaller amount gross, and therefore they had to hand back less: is not that right?—Yes.

* * * * * * * * *

39. So when I read that Madras and the United Provinces will be paying 47 per cent. and 41 per cent., while Bombay and Bengal are paying only 10 per cent., I gather you to say that that does not really mean that Madras was being treated harshly and that Bombay was being treated lightly?—Quite so.

40. Will you not develop this a little more in your own words?—* * * The settlement which we are discussing now took from the Bombay Government the whole of the income-tax, income-tax being that portion of our taxation from which we could derive the largest part of our revenue. They left us with the whole of the land revenue, they left, say, Madras also—I must quote a province—with the whole of the land revenue, Madras having a very small receipt from income-tax. The result was that when Madras got its revenue from land revenue they were very much in excess of the land revenue which, say, Bombay had. Therefore, in fixing the contributions, after the settlement Madras had to pay a very large proportion back of its land revenue in order to meet the deficit.

42. That is what I call giving back the change from the 10-rupee note?—That is so. Now all the contributions having been paid up in accordance with the orders of Parliament, we are now at the original injustice.

43. Uncorrected?—Uncorrected. So that Bombay is left to carry on—I am only quoting land revenue as an example—we are left to carry on with our revenues from the land revenue. Madras also is left to carry on with a much larger land revenue. But the whole of our income-tax still goes to the Government of India, and the whole of the income-tax of Madras, which is much smaller, goes to the Government of India.

44. What is the percentage, as you calculate it, of income-tax which can be said to be handed over from this Presidency?—Do you mean the percentage of income-tax of Bombay to the whole of India?

45. Yes.—I am not quite certain, but I think it is about 35 per cent. I am speaking entirely from memory. I have not the figure before me.

46. If you will look at the big book, page 578*, at the bottom, you will see this:—" Further, it was " pointed out that during the years 1920–23 this

* Vol. VII., ch. x., p. 22.

* Vol. VII.

" province had contributed 36 per cent. of the total " taxes on income collected in the whole of India." That was the figure I had in mind. I suppose, Mr. Wiles, that that means that the machinery of income-tax collection inside the boundaries of this Presidency produces and accounts for that percentage ?—That is so.

47. That is not quite the same thing, is it, as saying that the contribution of the Bombay Presidency, considered from the point of view of Government taxation, is that percentage ?—No, it would not be exactly the same thing, of course. You can assume that some of the tax which is paid in Bombay may be earned in an outside province.

48. It does not matter whether you take Bombay or whether you take Bengal, but take any great company which may have shareholders in different parts of India, such as the jute companies of Bengal. I suppose that there are people who have interests as shareholders in those companies that do not live in Bengal ?—It has been found from such investigation as can be made that, as far as Bombay is concerned, the great bulk of the income-tax is earned within the borders of the province. I think that has been admitted by the Government of India.

49. I wanted to know what you meant by " earned." Do you regard the test as regards a company as being where the company carries on business, or do you think it material to inquire where are the shareholders to whom the dividends are paid ?—They are both material. I was referring, when I said " earned," rather to the allocation of the shareholders.

50. As you know very well, it is a complication which presents itself whenever you think about this income-tax subject.—I do not know whether you would like me to put now, in another form, this particular objection about the income-tax ?

51. I wish you would ?—I would like to put it like this, that if there is to be any real provincial financial autonomy, we ought to aim at a system of taxation which will permit the local Government to distribute its taxes according to principles which are recognised as being equitable. One of those principles is that there should be some sort of equality of sacrifice spread over the population of the province. By having removed from our sphere of taxation the whole of the industries of the province, we are completely prevented from following that canon of taxation. We can have no equality of sacrifice within the province, because we cannot tax industries at all; we can only tax the cultivator and the poor man.

52. If I follow you, in saying that, you are for the moment—I am not complaining, but just to follow—confining yourself to the boundaries of the province, and you are treating the people that live in the province, the different classes, agriculturists, business men, lawyers, everybody, as though you had to consider equality of sacrifice limiting it to such revenue as the province gets out of that and keeps ?—Quite so. I am not suggesting that the principle should not also be applied to the taxation of India as a whole. It should be.

53. What I mean is this—I quite follow the point which you make; it is a very important one, I think—that the legislature of Bombay naturally feels strongly that it ought not to have a revenue to spend which is drawn only from certain classes in the Presidency, says the agriculturists, or the people who vend liquor, or whatever it may be, or, on the other hand, that it has not got any money to spend which is drawn from the industrial and commercial classes, because that goes to the centre. I quite follow the point; but if you are talking about equality of sacrifice, which is a very important principle, you would have to bear in mind, would you not, that the industrial and commercial classes are making a sacrifice notwithstanding that the sacrifice takes the form of contributing to the central revenue ?—Quite so, sir. I see your point.

54. And that is a fair thing to remember, is it not ? Still, I see what you mean, that it is a desirable thing, if you can, even though there are central taxes as well as provincial taxes, to have the provincial taxes, the provincial burden, so spread that all classes of the community are taxed on the principle, as far as possible, of equality of sacrifice ?—Quite so. If that principle cannot be followed by the Provincial Government, they are tempted, obliged, to get money from where they can. If this sphere of taxation is removed from them, they are left to place improper burdens on the people who are left to them to tax.

55. Does that consideration, in your judgment, lead to the view that a complete separation of sources of revenue could not be insisted upon too strictly ? —Undoubtedly, sir, if it conflicts with that principle.

56. I mean, taking Indian conditions as you know them, does it conflict with that principle ?—I think it does. I think it is impossible to have a complete separation of resources without conflicting with that principle.

57. And, of course, it strikes one very much when one looks into it that it is strange, too, that revenue from land should be drawn, as I understand it is, entirely from country districts, and, on the other hand, that income-tax should be drawn, in substance, entirely from industrial districts ?—That is a very important point. We have not an income-tax on agricultural income.

58. There are some gentlemen sitting round here who would be very much relieved if they were told that there was no income-tax in the agricultural districts of England, and there are others of us who would be greatly surprised if there was no sort of tax on land in towns. We have both in both places, though it may not, perhaps, be done on scientific principles. You have a system by which land tax is all country: income-tax is all town ?—Well, we have a land tax in the towns as well, on non-agricultural land.

59. I am speaking in substance ?—Yes.

60. As long as you have that principle, do you think that you could gain what you suggest, that is to say, equality of burden within the province for provincial purposes, as long as you separate heads of revenue ?—Not without some balancing factors.

61. Will you just shortly tell us what is the proposal which you think ought to be considered for the purpose of introducing an adequate balancing factor ?—We have asked that in any future settlement we shall have part of the income-tax, part of the tax which is collected from the industries of the province. The exact method by which that can be arrived at is a matter for further argument and discussion, I think; but we have put forward what seemed to us, from the evidence which we have in Bombay, to be a fair system, a system which would suit us very well.

62. As regards the machinery of collection, you are not proposing, I suppose, that that should be other than centralised ?—No.

63. You are not, I think putting forward a proposal that the provincial legislature should call for or request some added rate of tax which the Central Government should collect for them ? You are not proposing that ?—That is not our proposal, no.

64. As I follow it, the proposal in your memorandum is that it would be for the Government of India and the central authorities to determine what was to be the rate of income-tax, and then that the new arrangement should be one by which the Government of India should pay over some fraction of the proceeds of income-tax so far as it was regarded as coming from this Presidency ?—Yes.

65. Is your idea that the arrangement would be one which would in the same way hand over the same fraction of the income-tax produced by other provinces ?—Yes; we have not proposed that there should be any differentiation so far as the fraction goes.

66. Of course, Bombay would get more money, because it produces more income ?—That is true.

67. Your suggestion is, therefore, that there should be the same fraction for all provinces?—Yes.

68. Paid over by the Government of India, which collects?—Yes.

69. I think I should like to ask you to deal with one or two of the difficulties which that sort of scheme suggests. I am not discussing its justice, but difficulties of a more practical sort. Is it your view that you could identify the income-tax properly to be described as drawn from Bombay?—We do not pretend that we could identify it exactly, but our inquiries in this Presidency lead us to believe that the great bulk of the income-tax which we should get legitimately belongs to the province.

70. What I meant by my difficulties was this. I have no views; I am only asking for your guidance. Here in the Presidency of Bombay, of course, you have a large number of very important companies carrying on extremely important enterprises. Now, would not all those companies be paying income-tax in the Presidency of Bombay?—Under the crude system as it is put, they would. There are a few companies, but not many, that pay income-tax in Bombay, who carry on their work outside the Presidency; but the rough justice to which I have alluded would be from the fact that most of the money is provided by Bombay shareholders; the money and enterprise comes from Bombay, although the actual work may be done somewhere else.

71. You have introduced the word "shareholders." I was thinking of companies. Income-tax authorities draw a distinction between the two, and so do I. We will see afterwards what happens to the profits, but the company will be a company which is carrying on business in Bombay?—Yes. Does not the company consist of shareholders, very largely?

72. It does indeed, but the shareholders are not necessarily in the Bombay Presidency?—That is my point, that in these particular companies to which I am referring, which have their head-quarters in Bombay, it has been ascertained, I believe, that the great majority of the shareholders do reside in Bombay.

73. You mean to say that you are looking at it as though it was the shareholder whose income was the ultimate object of tax. It is not technically so, but it is substantially so. But you still treat the shareholder as being where the company is. You may be right.—I am only referring now to Bombay. I believe that conditions are very considerably different in Calcutta.

74. You know, do you not, that the Todhunter Report expressed some difficulty on this point?—That is so.

75. Let me read you the passage. It is in the Todhunter Report, page 402, paragraph 534. This is what these gentlemen say: "It follows from what "has been stated above that, in a number of cases, "tax will be charged in a province in which a com- "pany carries on its business, but actually be borne "by a person resident in some other province, and "the question then arises in which proportion the "income tax is to be allotted as between the province "in which the income arises, and in which the tax "is collected in the first instance, and the province "in which the recipient of the income who ulti- "mately bears the burden of the tax resides." They go on to point out that a similar kind of question arises in what we call double taxation. It happened, I may remind you, when the Free State of Ireland was set up, and some of us took part in the discussion. You do not think that in the Bombay Presidency that, in practice, is a very material difficulty?—In point of fact we have admitted, in putting our case, that some practical difficulty will arise. We should get a little more than we were entitled to.

76. But you do not object to that?—We do not object to that, but we have said in answer to that that we are not proposing to take the whole of the income-tax. If you take the whole of the income-tax as being roughly set off by the whole of the land revenue, we are getting only a proportion of the income-tax.

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78. You know what the Todhunter proposal was?—Yes.

79. Will you describe it to us?—They proposed that the distribution should relate to personal incomes only, which they held could be allocated to provinces. The origin of the income-tax could be traced down in the case of personal incomes with some accuracy. They therefore proposed the provinces should get a basic rate on the income-tax based on a sliding scale.

80. I am afraid that is not entirely clear to me. Is a basic rate of the income-tax based on a sliding scale anything different from a flat rate?—It is different from a flat rate. The basic rate would vary with the different rates of income-tax.

81. Is it any different from saying you shall have one-fourth or one-fifth?—Yes, it differs from that a little. I referred to the sliding scale because there was another proposal made by the Government of India, that the provinces should be given a flat rate. They proposed to give us 3 pies in the rupee. We, on the other hand, proposed that it should vary with the rate of income-tax that is collected, the idea being that Bombay, which has a very large number of income-tax payers paying a high rate, should not escape. We thought that from our own high income-tax payers we should get a higher rate than is obtained from the smaller payers in other provinces; otherwise we should not get the differential rate to which we thought we were entitled as compared with other provinces.

82. Passing for a moment from income-tax, there is this other point. Please look at page 574 of the big volume ("Memorandum prepared by the Government of Bombay," Part I).* It is a convenient place to find the list of sources of revenue as they are at present distributed. I see it says, about the middle of the page, that the distribution of sources of revenue as between the Central and Provincial Governments is this:—"Income-tax, Salt, Opium, "Railways, Posts and Telegraphs, were made central "sources of revenue. Land Revenue, Excise, non- "judicial and Judicial Stamps, Forests, Registration "and Irrigation, were made provincial sources of "revenue." I want to ask one or two questions about that, so as to be sure I am clear about it. Let us take the salt tax first of all. Is not the salt tax in its nature an excise?—Yes, I think so.

83. When you give us sources of provincial revenue, "Land Revenue, Excise * * *" you must be referring to excise other than the salt tax. What is it—liquor?—Country-made liquor only.

84. Not drugs?—Yes. Country-made liquor and country-made drugs.

85. Take forests. You are speaking for Bombay. I know the administration of forests differs, but are forests in every province a provincial source of revenue?—I think so.

86. You have spoken of your suggestions as to how to adjust what you regard as the disparity by reference to income-tax. Is there any other balancing factor to which you wish to call attention?—We have mentioned other balancing factors which we think could be made a source of central revenue. We would agree, for instance, to hand over non-judicial stamps, as was recommended by the Todhunter Committee.

87. What is the story about that? The Montagu-Chelmsford Report did propose, did not it, that judicial stamps should be provincial and non-judicial should be central?—Yes.

88. What was the point at which it was decided that all stamps should be provincial?—I think that was the proposal in the Meston Committee's Report. They thought this left a taint of divided heads, which they were anxious to remove, and they therefore proposed to put all stamps in one category.

* Vol. VII.

89. Non-judicial stamps, I suppose, are stamps on transactions and things of that kind?—Yes, all business transaction stamps.

The Chairman: It has got nothing to do with the post office; it means stamps carried on deeds and things of that sort.

Sir Arthur Froom: Stamps on investments and transfers.

The Witness: This matter has already been discussed by the Government of India with all local Governments on administrative grounds, and they agreed to this transfer.

90. *The Chairman*: I am going to hand the matter over to others now, but before we do so let us look through your small book of proposals ("Memorandum prepared by the Government of Bombay," Part II)* and see if there is anything we should like to mention. * * * I shall pick out a few passages, and you can call attention to anything else you think is very important. Your "Financial Proposals" begin on page 19, section 22.* The first two paragraphs—22 and 23—do not contain proposals, but introductory matter only. You put it very clearly about the middle of page 20:—"In the "industrial provinces Income-tax is proportionately "more important than Land Revenue; whereas in "agricultural provinces the opposite is the case. "If the provinces were to be treated fairly it was "necessary to consider this factor of comparative "importance of the various sources of revenue in "the finances of the various provinces." That is what you have explained to us just now?—Yes.

91. That, I gather, is the central point of the whole thing, is it not?—Yes, certainly.

92. At the top of page 21 you put in a very convenient way what I was trying to illustrate by my suggestion of paying two people the same amount yet having to ask for different amounts of change: "The agricultural provinces secured a windfall addi- "tion to their revenues. The industrial provinces "hardly gained anything at all." Then you say: "This embarrassing result has been justified by the "Montagu-Chelmsford Report and the Meston "Committee on the specious reasoning that the "surplus which the agricultural provinces obtained "was really their own." Of course, if it was really their own, then they would be making equal contributions. Your point is it is not really their own; it is only a process in the course of an ultimate adjustment?—Yes.

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94. *The Chairman*: Then we come to page 22, Section 23, and then comes the passage in the middle of the page to which I called your attention, about the 47 per cent. from Madras. You have made that perfectly plain to me. At the bottom of page 23 you say:—"The Meston Committee itself recom- "mended that the contributions should be reduced "as quickly as possible. The Joint Committee of "Parliament recommended their entire abolition as "early as practicable." Is that what you refer to when you say that does not make things better for Bombay, but makes them worse?—Exactly.

95. I will not delay you on para. 24, because perhaps those are rather general principles. At the top of page 27 you set out two main reasons advanced for centralising income-tax, the necessity of maintaining uniform rates and this difficulty about taxation at the source. Your proposal would still maintain uniform rates, would not it?—It leaves the rates untouched.

96. So that difficulty would not arise. You have told me what you think about the difficulty of taxation at the source. You think yourself that here in Bombay at any rate it is not so serious?—Not so serious as in other parts of India.

97. It has given a great deal of trouble at home. Then about page 31 you begin to refer to the Todhunter Report, and your actual proposals begin on page 37. The only thing I want to ask you finally is this. You see, if the case you put forward, when we have heard evidence from all sides, from other provinces as well as from the centres, turns out to be right (I am not for a moment expressing any opinion; one can see it is very forcibly put), it would seem to me the case would be one which theoretically called for pretty substantial change. You are complaining not of a small but of a big thing, are not you?—Yes.

98. So I naturally look to see what you think can be done. Look at paragraph 29, "Limitations of the Problems." About six lines down you say: "The first such limitation which has to be recog- "nised is that any change in the distribution of "the heads of revenue must not be so arranged as "to reduce the sum total of the present provincial "revenues." Do you apply that to all provinces?—Yes. I take it this paragraph meets the question you put to me some time ago, as to the complaint on which we laid the greater stress. In this we have implicitly abandoned going specifically into what has happened in the past, and we are making proposals for the future. We recognise that any advancement in the future of one province cannot be made at the expense of the other provinces, if there is to be any peace.

99. The case you put forward is that in the future you are not suggesting that the correction of the injustice (as you regard it) is to be got by taking away from other provinces something which they have got now?—No, we have not proposed that.

100. You do not propose that. That knocks out any idea that some other province is going to give up something. Now, somebody has got to find it. Do you suggest the Central Government could find it at present?—Not at present. We do not suggest that.

101. That carries it as far as this, that whatever be the injustice and inequity, as a practical matter it cannot be corrected by taking anything from any other province and cannot be corrected as a practical matter, at least at present, by taking anything away from central resources. Then it seems to follow, and I think your paragraph goes on to say, that as a practical suggestion the province must look to future surpluses of the Government of India?—Quite so. We do not say that a fresh settlement in favour of this Presidency would prevent other provinces making the rate of progress they would make under the present settlement. When I say we are not doing it at the expense of the other provinces we mean we do not demand that any other province should contribute to us; we only ask for a resettlement which will give us a greater share of any future surpluses.

102. Because, if your general plan was adopted, one sees that a province like Bombay, which is the source, roughly speaking, of one-third of the total income-tax of India, would of course gain out of future increments more than a province which contributes very little in income-tax?—That is what we hope.

103. And you say "So it should." Now tell me one other small thing. On page 38 there is a phrase which rather intrigued me. It is, I think, the fourth in your list of balancing factors, "Receipts from excise duty on foreign liquor." I should think the word "foreign" ought to be in inverted commas; I suppose it does not mean imported liquor? I imagine "foreign liquor" there means not liquor imported from abroad, but liquor made here according to the recipe of Scotsmen?—Probably here it means both.

104. Can you have an excise duty on imported liquor? In what sense?—The Provincial Governments do take an excise on sales of imported liquor.

105. You mean the licence duty?—Yes.

The Chairman: Thank you.

The Witness: I should like to refer to one point.

* Vol. VII., ch. x.

if I may. The reason which induced us to claim a share of the income-tax instead of following the recommendation of the Todhunter Committee was this. In our discussions with the Government of India in the last two or three years, ever since this Report was submitted, we have supported the proposals of the Todhunter Committee that we should get a share in the income-tax worked out in the manner which they suggested—i.e. the proceeds of a basic rate on personal incomes only—a graduated rate. But, when we came to work this out, we found great difficulty in arriving at satisfactory figures throughout India of personal income. We found grave reason to doubt the accuracy of many of the figures which were supplied to us by the income-tax officers. That was one reason which led us to try to escape from this difficulty if we could. We thought this difficulty of arriving at what is personal income might be a source of constant dispute between the Central Government and the provinces. Therefore, after consultation with the local income-tax officers, we concluded the simplest solution would be to ask for a share of the total income-tax.

106. I am much obliged to you. It would not be reasonable to occupy time on the very technical aspects of this. * * * But when you talk about personal income, under your Indian income-tax system does every income-tax payer make a return of his income from all sources ?—Yes, he is bound to under the law. I do not say he always does so in fact.

107. * * * Does he include in it the dividends out of funds which are already taxed ?—Yes, I think he includes that.

108. I suppose the idea of the Todhunter Committee was that as every one of these individuals was making this return as from a particular address, you could get theoretically a total of personal assessments which would undoubtedly be a total for the province and thereby avoid this complication of the proper attribution of the income of companies ? —Yes, that is so.

109. Then I understand you to say that when you tried to work it out you found it was not really quite as easy to do as it looked on paper ?—That is the impression we have gained. Whether they have improved their methods since I am not able to say.

110. *Major Attlee* : In Indian finance you moved from a wholly centralised revenue with arbitrary allotments to provinces, gradually to a sort of federalism ?—You are referring to the last 20 years ?

111. Yes.—Yes, undoubtedly.

112. Can you tell me what the kind of basis was on which these settlements were made with the provinces ? Were they according to the wealth of the province, as to what it had got, or were they according to its poverty, or were they according to its needs, or were they according to how much the province could screw out of the Central Government in the past ?—Well, I should think it was probably a little of all these in the old days, speaking of before the year 1904, shall we say, when the first really semi-permanent settlement was made. Then the Central Government really distributed the total revenue at its own wish. That wish was probably determined by the demands which the Central Government got from the provinces.

113. Then when you came to permanent settlements, I think you said that it was on the needs of the province ?—The first permanent settlement was made in 1911, which divided up all sources within the province more or less equally.

114. You see, the relevancy of the question is this. You have set out a comparison as to how you were before we had the Meston settlement, and afterwards, and you have compared the position of various provinces. It seems to me that the amount that was got in previous years must have been very arbitrary ?—It was, undoubtedly.

115. And the provinces may well say—take Bombay : I am not saying it is a fact, but they might say—Bombay was always very successful in getting a big repayment from the Government in previous years, and therefore, when it came to divide up, naturally they have not done so well as other provinces ?—I have heard that put. I believe it is very largely the case of Madras. Their complaint against the settlement of 1921 was that they claimed they had been so badly treated in the settlement of 1911 that they protested against that being more or less stereotyped by the final permanent settlement.

116. You have spoken of the position of the various Provincial Governments, as to how they stand, and you have also talked of incidence of taxation ; but I think it is stated here, or in the Todhunter Report, that it is impossible to say how that incidence falls on individuals—the incidence of land tax, for instance, in the different provinces. You could not tell me—no one could tell me, probably—of the incidence of land tax on ability to pay in the various provinces, comparing their different systems ?—I think where the ryotwari system is in force we could give you some evidence as to the incidence of the tax.

117. But in fact you have various systems, including, of course, the permanent settlement in Bengal, and so when you are looking at the thing from the point of view of India as a whole it is difficult to see exactly how the populations of the different provinces are faring in accordance with ability to pay, as to what they contribute to the Central Government ?—I think it is, seeing that there are three or four very large ryotwari provinces and there are three or four very large zemindari provinces, and the zemindari provinces again vary according to whether the permanent settlement has been introduced.

118. What would you say now would be the view of the Bombay Government as between the provinces and the Central Government ? Do you regard them as separate units having a contribution from the Central Government, and thereafter being able to spend their revenues at the standard of the wealth of the province, one being much greater than the other, or do you regard contributions of the Central Government as a means of equalising wealth, so to speak, throughout the whole of India, province by province ?—I take it that the ideal which was aimed at by the Montagu-Chelmsford Reforms was to make the provinces autonomous ; that is to say, that they should be in a position that they should have funds at their disposal, apart from any question of doles from the Central Government, which would enable them to perform adequately the functions which had been allotted to them. They have been given, for instance, education, public health, police, and so on, entirely to administer.

119. Yes, I have got that. That comes in with political autonomy ; but in other cases one has had federations, and you have had units of different wealth coming in to form a federation and paying to the centre ; while here you have a different thing ; you have the centre distributing itself more or less into a sort of federal system, and the question is the relationship of these provinces of very different wealth towards the Central Government. Is it the idea that they pay a certain contribution, and thereafter they can spend their revenues, and it does not matter if the standard of administration is much higher, we will say, in Bombay than in Bihar and Orissa ; or should the contribution to the Central Government be such that they can let off the poor province and heavily tax the wealthy province, to try and get a level distribution of wealth throughout India ?—Which is the conception prevailing in the mind of the Bombay Government ?—This is a point on which, I confess, I am not authorised to speak for the Bombay Government. I can give you my own view. From consultation with other people I think the general view of the Bombay Presidency is that we ought to be allowed to continue the progress

which we have achieved hitherto, that we ought not to be asked to contribute to such an extent to other provinces that we shall be stopped in the race while they are trying to catch us up. We would hold that while we do not want to prevent other provinces from reaching the advanced stage which we have reached, they should be assisted rather by surpluses from the Central Government than by their neighbours.

120. In applying that principle to your own province, would you say that a deficit area, as it is alleged (I do not say one way or the other whether it is so) Sind is, should come up to the same standard as the others, although it is a deficit area—that the richer parts, Bombay for instance, should pay for the poorer parts ?—So long as they are included within the province I think they are entitled to share in the amenities which we give to the rest of the province.

121. Now a further point. In your province there are large urban aggregations. You are the most urbanised of all the province. It is the case that these urban aggregations are a cost to the province, and if you have not got income-tax it makes your Government more costly without providing the funds to meet it ? Is that so ?—Yes, that is partly the case. It also means that we are driven to provide money for urban areas from the resources which are at our disposal, which are chiefly from the rural areas.

122. There is a considerable progress in industrialisation in India. India is now, I think, the eighth industrial Power in the world ?—Yes.

123. And I think that Bombay has its full share in that ?—Yes, certainly.

124. And in future developments in Bombay the capitalists are likely to venture in the future into other provinces ?—I think it is quite probable.

There is a difficulty in my mind with regard to the allocation of income-tax. I think we admittedly came to the fact that there was a sort of rough justice done ?

The Chairman : Yes.

125. *Major Attlee* : But it seemed to me that the rough justice was between the Central Government and yourself. Let me take such a case as Bihar and Orissa. I think there is a great Bombay firm which has made an industrial development in Bihar and Orissa—the Tata firm has great developments there ?—Yes.

126. Surely under your scheme, as suggested, Bihar and Orissa are going to bear all the extra cost of these urban aggregations, but if we go on the shareholder principle probably the shareholders, and any way the head-quarters of the company, are located in Bombay, and therefore the income-tax will be shared between Bombay and the Central Government, and Bihar and Orissa will have the cost of the urban aggregation. Is that so ?—I think probably some arrangement could be made in such instances. We had, for instance, an amicable arrangement with Bihar and Orissa. We had it under Devolution Rule, No. 15, whereby we agreed to take a certain percentage of income-tax of such companies, and Bihar and Orissa the other. That actually only came into force for one year or two years, because since then there has been no income-tax to distribute. It seems to me that some amicable arrangement might be arrived at in such cases.

127. Looking to the future, one could envisage a possible industrial development, and one would say off-hand that probably Calcutta and Bombay would take the lead in that ; but if it came to any extent a big capitalist interest in Bombay and Calcutta in developing enterprises in other provinces, your rough justice might prove a very rough injustice on, shall we say, the labouring provinces as compared with the capitalist provinces ?—Your point being that the boundaries of provinces are artificial ?

128. Industrially, yes ?—Yes, quite. I quite see your point. I agree that that would be a difficulty in future. It might be a considerable difficulty.

129. *Lord Strathcona* : On the question of super-tax, is it the fact that in India super-tax is not the same as it is in Great Britain, but is simply a tax on the profits of companies—that there is no individual super-tax, I mean ?—Yes, there is a personal super-tax as well as a company super-tax.

130. There is that as well ?—Yes. The super-tax which we have referred to here, someone has explained, is not really a super-tax ; it is really a corporation profits tax. The Todhunter Report actually calls it a corporation profits tax.

The Chairman : It is an extra income-tax if the company makes any more profit in a year than Rs.50,000.

131. *Lord Strathcona* : But besides that, there is an individual, personal super-tax ?—Yes.

132. And in the same way the question of death duties. Is there a death duty tax now ?—There is what they call probate duties, which are not really a death duty ; they are probate duties which are collected in the High Courts only, and they affect only certain communities. Europeans, Jews, and Parsis only are affected.

133. *The Chairman* : I suppose it is a duty which is paid when the will is proved ?—Yes, that is so.

134. There are some portions of the varied life here, owing to joint families and so on, where you would not be able to get a probate duty, would you ? —A few Jews, and Hindus and Muhammadans, I think, who make wills, are also liable to the tax in the Presidency towns only, but not outside.

135. *Lord Strathcona* : I take it, then, that the suggestion here as to death duties is for a new form of taxation ?—Yes.

136. *Lord Burnham* : It is only a probate duty ; it is only on proving the will ?—Yes.

Lord Strathcona : What is the succession duty now existing, do you know ?

The Chairman : You do not mean the amount of it ; you mean the nature of it ?

137. *Lord Strathcona* : Yes ; what is the rate or nature of general succession duty ?—I am not sure that there is any general succession duty. There is now a scheme before the Government of India for the imposition of a succession duty.

Mr. Premchand : I think there is a small Succession Act, which is applicable only to a few people. It is of no universal significance.

138. *The Chairman* : When you say it is a balancing factor, it is not a very important one ?—Not this particular one. I am referring in " succession duties " to the scheme which is now before the Government of India for a universal succession duty throughout India.

139. Just look at your page 31* in the small book, the Proposals. You set out a list of balancing factors, 1, 2, 3, 4, 5 and 6 ?—Yes, on page 38, No. 6.

140. I think that is what Lord Burnham was speaking of ?—We have explained that on page 40. The paragraph in the middle of page 40 says that " If death duties were levied on the same model as " in foreign countries, a share of them will have to " be given to the Central Government."

141. Yes. I do not think that is quite what Lord Burnham wanted to know. I think what he wanted to know, and I should like to know, too, in a sentence or two, was, are you referring there, under the head of succession duties, to something that already exists or something that is contemplated ? —I am referring to the contemplated duties.

142. *Lord Burnham* : What is the one that exists, if any, now ? What is the succession duty as distinct from probate duty which exists at present in Indian finance ?—I am not able to answer that question exactly, because there is no general succession duty ; but some succession duty has been referred to with which I am not *au fait*.

The Chairman : Mr. Premchand told us that it had a very small range of operation.

Sir Hari Singh Gour : There is a specific Act which applies to all members of a joint Hindu family, that is to say, whenever a succession opens, and in

* Vol. VII.

the ease of persons other than copartners who are not members of a joint Hindu family they have to apply to a civil court for obtaining what is called a succession certificate, and on that—they mention all the deaths with their application—they have to pay a rate of 2 per cent.

The Chairman: I am much obliged. In effect it is like a probate duty, though it is not on a will, it is on a succession ?

143. *Lord Strathcona*: You say on page 36* of the Proposals: "Death duties at present are a small "item of revenue included under Stamp revenue."—Those are the probate duties. They are included under court fees.

144. *Mr. Miller*: I would like to refer to page 39* in the small book (Proposals), where it is stated that "The second method by which the deficit may also "be reduced would be either an increase in the "rates of Customs duties or else the normal growth "of Customs revenue may also help in the same "direction." Duties are already very high, and I think it is a fact that Government has more or less planned, or at any rate has expressed the pious hope, that if any of the existing duties should produce an appreciable increased revenue, the rates would be reduced. On what commodities, therefore, would you suggest that the Customs duties might be increased, or what new duties do you think should be imposed ?—I am not prepared to make any detailed recommendations. It is generally in the nature of a pious hope that the increase of Customs duties will help to reduce other taxation. You will see that during the last few years the revenue from Customs duties has been normally increasing. It was anticipated that that would help.

145. You were depending on an increased yield of the present duties, not on new duties ?—I should rather lay stress on that than on any further duties.

146. On page 39* you refer to the excise duty on locally made cigarettes and pipe tobacco and you say "as a rough estimate, therefore, it may be safely "concluded that if the major portion of the duty on "tobacco was assigned to the Government of India, "a sum of 2 to 3 crores would become available for "that Government." I want to know whether there are any figures on which this statement is made or whether it is a rough estimate ?—It is a rough calculation based on the Todhunter Committee. They were very strongly in favour of putting on a tobacco duty. We made some inquiries and found that any duty of this sort is difficult to put on in a single province because of the risk of smuggling and the suggestion is that if it is put on by the Central Government it might give a large revenue as the Todhunter Committee has suggested.

147. Is there actually locally manufactured pipe tobacco ?—No. The point is not of great importance in the Bombay Presidency. There is very little tobacco manufactured in Bombay.

148. *Dr. B. R. Ambedkar*: Your scheme asking for a share of the income-tax is really more intended to produce a certain amount of elasticity in the revenues of the Government of Bombay than as a rectification of any past error or wrong ?—Certainly.

149. You are asking it because the income-tax is a more elastic source of revenue than any other sources of revenue handed over to you ?—Yes, that is one reason.

150. Your scheme involves the transfer of non-judicial stamps to the Government of India ?—Yes.

151. Do you not think that that is also a very elastic source of revenue ?—Its elasticity has been proved during the last few years by continually falling at a very steady rate.

152. The taxing of "futures" would be a considerable source of revenue to the Government of Bombay ?—It would, but that is not at present being taxed at all.

153. It might be regarded as a considerable source of revenue ?—Yes.

154. And from that point of view you would not like to transfer it to the Government of India ?—That is a point for consideration. The Government of Bombay has brought that to the notice of the Government of India when we agreed to this redistribution.

155. With reference to the excise revenue, do you think it is advisable to transfer excise to the Government of India as a central source having regard to the fact that first of all it is an indirect taxation which ought to go to the Central Government and secondly because as you say there is a certain amount of competition in the matter of the sources of this tax between the Provincial Governments and the Government of India ?—For instance you know that the country-made foreign liquor is taxed by the Government of India ?—Is that so ?

156. And the Bombay Government taxes only the country-made liquor ?—I think we are taxing country-made foreign liquors; we have an excise duty.

157. This competition in the matter of taxation does to a certain extent impair the policy of the Government of Bombay so far as prohibition is concerned ?—I prefer to meet that by transferring the activities of the Government of India to the Government of Bombay rather than *vice versa*.

158. Is your proposed settlement intended more or less to produce an amount of revenue that will be adequate for your normal needs ?—Yes.

159. Besides its normal needs the Government of Bombay has during the last ten years taken upon itself the responsibility for certain abnormal expenditure such as, for instance, prohibition and compulsory primary education ?—I would not admit that the latter was abnormal.

160. It certainly would not be a normal source of expenditure because it is a new item ?—It is an extraordinary item.

161. Not included in the normal expenditure ?—You may put it so.

162. So these two important things still remain to be provided for ?—Yes.

163. They could not necessarily be met from the new settlement you propose ?—No.

164. Do you think that the readjustment of the settlement will involve a certain amount of extra taxation ?—I think it probably will.

165. Do you think that the Bombay Legislative Council as it is composed to-day would consent to any extra taxation being imposed ?—I do not; not at any rate until the new settlement comes into force.

166. Supposing some settlement is reached ?—I would rather not express an opinion on that. I think the revision of the settlement could alter the opinion of the Legislative Council to some extent.

167. Whatever new sources of taxation that you may have to impose would of course affect the richer classes ?—Which taxes are you referring to now ?

168. Any new taxes which you may propose for meeting the deficit due to the prohibition policy or to the introduction of compulsory primary education ? For instance, when you think of new sources of taxes, you may naturally think of taxation on agricultural incomes or death duties, taxes which affect the richer classes ?—I should prefer to say that we hope that would be the effect; but it is impossible to give an answer to a hypothetical question of that sort.

169. Having regard to the present composition of the Bombay Legislative Council, do you think that we can carry through any proposal for taxation of the sort I have mentioned or would it be difficult ? —It is very difficult to answer a hypothetical question.

170. Are you in favour of the separation of the accounts between the Government of Bombay and the Central Government ?—In theory undoubtedly yes.

171. You do not think there will be any drawback in that ? For instance, some persons think that if you separate the accounts of the Government of Bombay from those of the Central Government,

* Vol. VII., ch. x.

there is a danger of the provincial accounts officers secreting the accounts from the central audit officers ? That is, they will not give the necessary information to the Audit Officers of the Government of India and the Audit will therefore suffer ?—I do not think there is the least probability of that.

172. Are you in favour of the separation of the balances between the Government of Bombay and the Government of India ?—It is a little difficult to answer yes or no. I think the separation of the balances must follow from the separation of the accounts and from a complete provincial autonomy I think it is bound to follow.

173. Can you not have a mere separation of accounts without a separation of the balances ?—Certainly.

174. Therefore I do not think you are quite right when you say that it must follow ?—It is the logical following up of the position. In the United Provinces, for instance, they have already introduced the separation of the accounts ; but they are in a period of transition and the idea is that the separation of the balances will eventually follow.

175. Do you favour it as a necessary step in provincial autonomy ?—I think it is desirable that an autonomous province should be in charge of its ways and means and you cannot have it unless you have the whole of the balances at your disposal.

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176. *Khan Saheb Abdul Latif Haji Hajrat Khan* : Is it desirable to put a fresh tax like the tobacco tax to make up the deficit in the Government of India's budget ?—I tried to explain that the only way that Bombay can benefit from any revision of the settlement is from surpluses of the total revenues of India. Those total surpluses must come from somewhere, either from the natural growth or from other taxation. You cannot have your revision of the settlement without the surpluses coming from somewhere.

177. *Rao Saheb D. R. Patil* : Bombay Presidency is taxed the highest when compared with other provinces ?—Yes.

178. Do you admit that on account of the Meston Settlement our Council has not made much progress in the nation-building departments ?—It is true to say that we have not made so much progress as we would have made with a different settlement.

179. Do you think that we have not made much progress in the nation-building departments owing to this settlement ?—We have made a certain amount of progress ; but have not made so much progress as I should like to have seen or as you would like to have seen.

180. Do you remember that Mr. Turner made a statement in the last Council that on account of the short purse of the Government of Bombay no more grants could be given to the nation-building departments ?—No ; I am not aware of any statement of that sort having been made.

181. Do you think that the Bombay Council is in a position to give more grants to the nation-building departments having regard to the short purse of the Bombay Government ?—I find it rather difficult to answer your question put in that way.

182. On account of the financial stringency of the Government of Bombay we cannot give additional grants to the nation-building departments unless the Meston Settlement is adjusted on a more satisfactory footing ?—That is a fact.

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185. Is it not a fact that the anticipations of the Meston Committee in the matter of growth in respect of the various heads of revenue have been completely falsified by events ?—It is true, yes.

186. You ask only for half a share of the income-tax from the Government of India. You do not want more ?—We do not think it is practicable to ask for more.

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Afternoon.

Mr. G. WILES, C.I.E., I.C.S.—*continued.*

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1. *Rao Saheb D. R. Patil* : This morning you answered one of my questions to the effect that on account of the unsatisfactory settlement of the Meston Award the Bombay Council could not make much progress. I want now to bring to your notice the following statement, which is contained on page 595 of the Memorandum prepared by the Government of Bombay.* At the end of the second paragraph you will find that it says : " The detailed " figures of the growth of expenditure since 1910–11 " are discussed in Appendix A. The detailed review " there given shows very clearly how Bombay's " administration has been in most cases not only " not progressing, but either remaining stagnant or " actually retrogressing." How do you reconcile your previous statement with the statement I have just read ?—I am afraid I do not see any discrepancy.

2. You do not see any discrepancy ?—No. I said we had not made such progress as we should have liked.

3. Here it is said Bombay's administration has remained stagnant or is actually retrogressing. Do you say there is no discrepancy ?—This is put more strongly than I should be prepared to put it myself. I should like to cut out the word " most."

4. So there is no discrepancy, according to you ? It is only that stronger language has been used ?—Yes.

5. *The Chairman* : I agree the point put is important, but I think we may remember generally this. In this large book, Chapter 7 deals with the Reserved and Transferred departments and the working of the system of government in those departments. It contains a number of facts and figures which seem to me to confirm what the witness has said ; they show, generally speaking, that there has been an advance, but that does not at all contradict the other statement that it is a pity the advance has not been more rapid, and that if it is to be more rapid then somehow or other money must be found. Is that the point ?—Yes. The difficulty has been cumulative. We started off the Reforms with large accumulated balances which assisted us a great deal, and it is only in the last two years that we have come up against this problem where we are no longer progressing.

The Chairman : That puts it very clearly.

6. *Mr. Premchand* : You are in general agreement with the proposals contained in the Bombay Government's Memorandum, Part II, regarding finance ?—Yes, I am in general agreement with them. I am not responsible for the language, I may add.

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8. In clause 22 on page 20* you observe : " The " aim of every financial settlement must be to ensure " adequate resources both for the present and future " needs of the various Governments." Do you think that you have to-day anything like this in the Government of Bombay ?—Certainly not.

* Vol. VII.

* Vol. VII., ch. x.

9. If not, can you give me a figure approximately indicating what further revenue you want for this purpose? Would it be a crore or two crores or what?—It would be very difficult to give a figure. I can give you a rather general idea of the activities which are being curtailed. We have tried to give that at some length in another part of the memorandum.

10. But you could not give a figure?—For instance, we do not see our way to financing the Primary Education Bill, which purports to introduce compulsory education. A great many of these schemes are held up because we cannot finance them at present. We have a big scheme in Bombay for medical relief for which we expect to experience great difficulty in finding the recurring expenditure. We are being asked for large sums for agriculture which we are not able to find, and so on through the whole administration. On the reserved side, we have curtailed the police establishments probably beyond the limit of safety.

11. But you could not give any rough figures?—Not any that would be of any service; I am afraid they would be so open to criticism that I should be reluctant to give them.

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Do you, Mr. Wiles, attach so much importance to the readjustment of the financial position that you regard that as an essential part of the review of the Reforms? * * * —I can say yes to that.

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16. Do you consider that the port of Bombay is so important to India as a whole as to require such share of capital expenditure to be taken into account in readjusting financial provisions with the Government of India?—That is a point I have never considered. I should be reluctant to give an answer to that off-hand.

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Mr. Premchand: In para. 26* under (1) you say: "the taxes are assessed by state authorities with "additions for the use of the Central Government."

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19. *Mr. Premchand*: Do you contend, by what you say in (1), that you should be able to increase the income-tax for provincial purposes?—(1) is not a proposal; it indicates only one of the various methods which could be adopted.

20. Does that mean increasing income-tax for provincial purposes?—Not necessarily.

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22. *Sir Arthur Froom*: I am referring to Chapter IX of the Memorandum prepared by the Government of Bombay. The history given there represents the Government of Bombay's views on the Meston Settlement, does not it?—Yes.

23. Have these views been subscribed to generally? Have they been backed up by Bombay as a whole? I am not speaking of government officials, but of the residents of Bombay. Would this Conference be right in understanding that not only are these the views of the Government of Bombay, but that they are the views of all the communities in Bombay?—I think I can say that without any fear of contradiction. There has been complete unanimity amongst all sections of the Bombay people on this particular matter of the Meston Settlement.

24. Would you suggest that that perhaps carries more weight because the Bombay Government does not always receive the support of all parties for their proposals? Perhaps you would think that for that reason this carries more weight?—Such complete unanimity is a little unusual; I can say that.

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25. *Sir Arthur Froom*: I remember—you refer to it in this blue book—the meeting in the town hall of Bombay of citizens at which all communities and creeds were represented and backed up the Government's views in their objections to the Meston Settlement. That meeting took place, I think, in July, 1920; is not that so?—That is before I came to Bombay.

26. It was in July, 1920; I remember it perfectly well. Government, having the backing of everybody in Bombay, proceeded with a greater heart to give their views. Let me take you back a minute to provincial contribution. I understand the Government of Bombay, in concert with all the other Provincial Governments in India, pressed for the abolition of provincial contributions; is that correct?—Not exactly. In fact, when the first provincial contributions were in process of being remitted, when the Bengal contribution was remitted, Bombay protested, and there was a protest from the Legislative Council of Bombay when the next instalment (the first permanent instalment) of the remissions was given, on the ground that this placed Bombay in a yet more unfavourable position *vis-à-vis* the other provinces.

27. Am I correct in thinking Bengal never paid anything?—That is so.

28. Therefore Bombay did not see why they should pay?—We thought we were in a very similar position.

29. That is rather natural, having the view that Bengal and Bombay were the biggest subscribers to income-tax and should be treated on the same basis?—Yes.

30. I should like to bring you down to what may be considered as the whole trouble of this Meston Report. Bombay (correct me if I am wrong) objected to getting no share of the income-tax, did not they, and at the same time in the Meston Report an endeavour was made to show how Bombay would get an increasing share of revenue under what they hoped would be progressive receipts from land revenue, excise and general stamps?—Yes.

31. The Meston Award tried to make out they would get an increasing share of revenue under those heads?—Yes.

32. I do not wish to take you into the rather intricate question of datum years, but would the Conference be correct in understanding that in the Bombay budget for 1928 they expect to receive no less than 5 crores of revenue short of the estimate under the Meston Award?—I should like a little time to work that out; I am not certain of the figure.

Sir Arthur Froom: The figures I have before me do show that.

33. *The Chairman*: This is very important. Where shall we find the figures?—The question is discussed on page 592 of the Memorandum.*

Sir Arthur Froom: The figure I have in front of me is put in by the Bombay Chamber of Commerce.

The Chairman: 5 crores sounds a great deal if you are comparing two comparatively small totals, but not if you are comparing very big totals, and I do not know what the totals are.

Sir Arthur Froom: I will read them out. Land Revenue, 1928–29, is estimated to be short by 212 lakhs of rupees of the estimate provided by the Meston Committee. That is one head. Excise (i.e. excise on liquor) is estimated to be short by 253 lakhs—2½ crores. Under General Stamps there is an estimated shortage of 45 lakhs. If those are added up, you get a shortage of revenue of 510 lakhs, which is about 5 crores.

Colonel Lane-Fox: Is that for the present year?

34. *Sir Arthur Froom*: Yes, for the present financial year. It is estimated the revenue of Bombay will be 5 crores short of what the Meston Committee estimated it would be.—That must be very nearly true. If you turn to page 593 of the Memorandum of the Bombay Government* you will see that the deficit under Excise is 249 lakhs. That is at the bottom of para. 523.

* Vol. VII., ch. x., p. 30.

* Vol. VII.

35. *The Chairman*: "Instead of realising an "additional revenue of nearly 193 lakhs . . . the "Government of Bombay are realising 56 lakhs less "than even the base of 430."—Yes, Similarly, the next paragraph (which deals with revenue from Stamps) shows that instead of being 41 up we have lost nearly 28, a difference of 69.

36. That is on Stamps?—Yes. With regard to Land Revenue, the calculations of the Meston Committee would give us 605 lakhs, whereas the revised figure for the current year is 449.

37. *Sir Arthur Froom*: What does that come to if you add it up?—474. I make it.

Sir Arthur Froom; My estimate was 5 crores; you make it 474 lakhs, or 4¾ crores. That is the point I wanted to make particularly.

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38. *Sir Arthur Froom*: Yes. Then there is Excise and Stamps. Mr. Wiles's figures and mine (his taken from the Memorandum and mine from this statement) agree within ¼ of a crore, which is immaterial for my argument. He says they are short by 4¾ crores and I say they are short by 5, but anyhow it is by a very large sum. My point is this. If the calculations of the Meston Committee after a number of years prove to be woefully wrong (I am not criticising them too much for a miscalculation), what I suggest to the witness is that the Government of Bombay feel that, as this Award was based on entirely wrong calculations and in effect they are short of their estimated revenue by 4¾ or 5 crores of rupees—a huge sum—the Government of Bombay have a very strong grievance. Would you put the opinion of the Government of Bombay in that way?—Yes. May I make one small explanation? It is with regard to these figures of Land Revenue. There is a discrepancy between the figures given by the Bombay Chamber and those given in this Memorandum. I find the difference is due to the fact that the Bombay Chamber's figures include revenue due to Irrigation, whereas these figures in the Memorandum do not. There is the difference. Our budget figures for the current year are 538 crores, and theirs are 593; but 55 lakhs of revenue from irrigation have been omitted from our figures.

Sir Arthur Froom: That would probably make my figure of 5 crores correct.

39. *The Chairman*: Sir Arthur's point for the purpose of our argument seems to be perfectly established, and you agree with it, I gather, in principle?—Yes.

Sir Arthur Froom: I think it is established that Bombay's revenue has not worked out in the way the Meston Committee thought it should. Now I will continue. Your suggestion, I think, was that half of the income-tax should go to Bombay, and then our Chairman pointed out that it might not be entirely fair, because there are companies paying income-tax in Bombay of which the shareholders are outside the Presidency; but still, taking it by and large, there might be very big business concerns in Bengal whose shareholders lived in Bombay. Would it be correct to assume that on the average it would not, perhaps, work out altogether incorrectly for you to take the income-tax paid at source instead of on personal income? For once you try to start working out personal incomes you start, I am afraid, a very considerable addition to your income-tax staff. We do not want any of these income-tax authorities to be top-heavy, and a lot of the income-tax which should go to the Government of India, and probably something to Bombay, to be wasted in salaries; and added to this I think it should be remembered that some of the income-tax which is deducted at source by companies may never be returned at all. The income-tax authorities in India have improved very greatly in recent years, but still I do think that a good many people escape paying income-tax at all.

The Chairman: I do not know the details of your system here, but in England the company pays income-tax on the whole of its profits, whether it distributes those profits in the way of dividend or not. In England, if the company resolves to use a portion of its profits for the creation of bonus shares, or to dedicate them for the purpose of improvement, and never distributes them, the Revenue will yet tax the whole of the profit, though the shareholders will never have the whole of those profits distributed in dividend. Is not that right?

Sir Arthur Froom: That may be so, sir.

The Chairman: It is certainly the law in England.

Sir Arthur Froom: The whole difference, I think, will never amount to such a large sum as to warrant setting up a new machinery for determining these personal income-tax returns, and, as I say, some of the income-tax returns are not returns at all, I am afraid.

40. *The Chairman* (to the witness): Is that your view?—Yes. I understand Sir Arthur to say that his fear is that although income-tax may be paid at source by the company, yet in making the personal income tax returns much of that income will escape notice. The object of the return is to fix the standard of assessment, the rate at which income-tax shall be paid. It is not a question of paying income-tax so much as a question of fixing the rate and from carelessness or from deliberate fraud these returns may not be so accurate. That was what I meant when I said this morning that we anticipated considerable difficulty in arriving at a proper return of personal incomes; but it is really an administrative matter, with which the income-tax office can deal better than I can.

Sir Arthur Froom: I will now come to the summary of your proposals, and on page 38* the Government says: "Our proposal, therefore, is to claim a "half share of the total taxes on incomes and sur-"render the items of revenue under non-judicial "stamps." Then when we come to Bombay, very appropriately, if I may be allowed to say so, I understand that you cannot go and get a bigger income from Bombay without it coming from somewhere; which is, of course, a very obvious remark to make. Then Bombay go on and suggest how the Central Government should recoup itself for the six crores which they are going to lose from the central source of revenue, out of income-tax. Now I should just like to mention one or two items, not particularly with the idea of being critical, but I hope with the idea of being helpful. Take company tax. You refer to company tax; it is what we call a super tax on companies. It is quite distinct from super tax as some of the gentlemen round this table pay it. It is not a personal super tax; it is a super tax on companies. Now, I think I am correct in saying that that amounts to between 3 and 4 crores of rupees. Many of us in the Central Government have objected to this company tax. It has been held to be wrong; it has been held to be a tax on trade, and therefore a tax on people who are trying to help things to go in the country. My recollection is that the Commerce Member said, "Well, I will bear this in mind, but I "have got to get these provincial contributions out "of the way first." So there is on record somewhere in the Government of India that they do recognise that this company tax is a wrong tax, and that when they can they shall do away with it altogether. So bang goes two or three crores.

I think my friend, Mr. Miller, has dealt with the question of customs duties. Everybody thinks that the import duties of this country are on a rather high basis, and the Commerce Member said for himself that he wanted to reduce them if he could, and he proposed to do so when he could. In fact, if you remember, he has already reduced the customs duties on motor cars from 30 per cent. to 20 per cent. in the last two years. So I do not think the Central Government will hope for anything great in the way of customs duties We are therefore rather left, as far as one can see, with the tobacco excise, which I

* Vol. VII., ch. X.

do not think anybody could grumble at, as there is an excise duty on tobacco in every country in the world, I think, except India. I quite agree with the Bombay suggestion that that ought to bring in a large sum of money.

Sir Hari Singh Gour: Not more than a crore and a half.

Sir Arthur Froom: Sir Hari Singh Gour may like to point out that it will not be so. Personally I think it would be a considerable sum of money. Then another, and very much debated source of revenue, is death duties. Most countries have death duties; they are very much objected to, but unfortunately most countries have them, and whether India will have to come into line and suffer with other countries in the matter of death duties remains to be seen. But what I am trying to point out is that two of your heads, the company tax and any very large increased revenue from customs, are both rather problematical. Then turning to your statement here, it seems to me that the Government of Bombay have rather anticipated that they will not get their six crores back immediately from these taxes. I should like to congratulate, if I may, the Government of Bombay for giving this table, because it shows that the Government of Bombay must be reimbursed. You have got to carry on the Central Government, and it must be reimbursed; so I say I should like to congratulate the Government of Bombay on setting forth this Table No. 5*, and it seems to me that for some years at any rate it will have to go into operation. Is that your view?—Yes. It was never anticipated that we should get an immediate return from these taxes.

Sir Arthur Froom: There is only one other subject. I do not know whether the Chairman will allow me to put it; it is not in this book directly. That is the question of loans. Would loans come in this part of the inquiry, Sir?

The Chairman: I think as far as the question is whether the present constitutional position of the province in regard to loans is satisfactory, it certainly comes in. I mean, there is the one aspect, which is the extent to which the Government of India might endeavour to exercise control, and there is secondly the question of the wish of the province to have more freedom *vis-à-vis* the Secretary of State or the London market. Yes. I think both those matters are in order.

42. *Sir Arthur Froom*: This smaller blue book has been written on the financial side, with the idea of some provincial autonomy, has it not?—Yes.

43. And therefore loans, as our Chairman says, do come into the picture. I am not an authority on loans, but do you visualise that the Government of Bombay in the future, supposing it has provincial autonomy, should raise its own loans, or should it go to the Government of India and say, "We want so "many crores of capital money: will you please lump "it in together with your loan programme, which will "come forward this year?" That, of course, is the present arrangement, is it not?—Yes, more or less.

May I put this to you, before you answer the question. Would you consider whether locally raised loans guaranteed, say, by the Bombay Presidency, would require a higher rate of interest than a loan guaranteed by the Government of India; and equally whether there would be a certain amount of competition to get into the market as between Bombay, Madras and the Punjab? Have you considered that point?

44. *The Chairman*: What does the witness say about that?—We have, of course, often thought about this question incidentally. My own view is in favour of some central authority for raising loans, partly for the reason you have already given, that we should be competing with one another, probably, in the market at the same time, but also because I feel that the federation of Indian States should club together for this purpose, that smaller States like Bihar and Orissa, whose credit might not be so good as ours, have every right to claim a share in our credit. Some central co-ordinating authority for the raising of loans throughout the whole of India while not raising the price much, if at all, to Bombay and Bengal and the richer provinces, would give the smaller provinces a share in the credit of India, and therefore while not so much in favour of the Government of India running it, I think there should be at any rate some central co-ordinating authority which could give every province its loans at a simple rate which would probably be the same rate at which the Government of India can raise their own loans.

45. *Lord Burnham*: You will have observed that the Commonwealth of Australia has just moved in that direction?—Yes, I did see something of the same sort had been done there.

46. *Sir Arthur Froom*: So that on this occasion, Bombay putting forward those ideas, might be regarded as entirely unselfish, really, as offering assistance for lesser provinces whose credit would not be so good? That would be so?—I should not like to take credit for that; but the system does relieve provinces themselves of a great deal of worry and nuisance in raising these loans.

The Chairman: Would you develop this a little more? It is a thing I need help about. As things are at present, when a province wants to raise money it cannot raise it, can it, in the open market without the assent and through the instrumentality of the Government of India?

A Member: The Government raise the loan, and then charge an extra ½ per cent.

The Chairman: That is another meaning of the word "commission." What I wanted to know was, does the Government of India retain the right to say to a province, "I have your application, but I am "afraid I cannot manage it for you"?

47. *Sir Arthur Froom*: I think Mr. Wiles could answer that better than I.—There is an Act called Local Authorities Loans Act, which lays down the powers of local Governments in relation to borrowing.

48. *The Chairman*: Yes. That reminds me that there is a note on this matter in the Montagu-Chelmsford Report, at para. 211, page 173. They say: "We "are prepared to go further. If the Government of "India finds itself unable to raise the money in any "one year which a province requires, or if there is "good reason to believe that a provincial project "may attract money which would not be elicited by "a Government of India loan, we would allow the "Provincial Government to have a recourse to the "Indian market. But in that case we think that "they should secure the approval of the Government "of India to the method of borrowing, including the "rate of interest, so as not to affect investments in "the post office," and so on. Was that suggestion, in effect, embodied in the Statute?—In these Local Government (Borrowing) Rules.

I mean the proposal which Sir Arthur mentioned, and which you approved, according to which, as I understand, you might have some co-ordinating body acting for the various provinces if you wanted to raise money?

Sir Arthur Froom: Yes, that was it.

The Chairman: What I wanted to follow was, would such a body act without the lead of the Government of India, and it may be in competition with it, or is the idea that this co-ordinating body would still, though acting for the provinces, act hand in hand with the Government of India?

49. *Sir Arthur Froom*: It would work with the Finance Department of the Government of India, I gather. That is so at present?—It is so at present, but it does not follow: the Government of India can delegate its authority to a separate body.

50. It can do so?—That is what I would suggest, rather.

The Chairman: Yes, there is a lot about it—I remember it now—in the Local Government (Borrowing) Rules. I see the point now.

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Sir Hari Singh Gour: You have said that on

* Vol. VII., ch. x., p. 43.

account of the shortage of money in your Presidency you have not been able to develop the nation building departments as well as you might. Now will you kindly refer to the big book, the expenditure on education *per capita*, at page 626*. I think it gives there the expenditure *per capita* on education.

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52. *Sir Hari Singh Gour*: I will first draw your attention to the second table on that page. While Madras is spending 3·7 rupees, Bombay is spending 7·3, which you will find is, with the exception of Burma, the largest in the whole of India ?—Yes.

53. In other words, you are spending twice as much on education *per capita* in Bombay as the people of Madras are spending ?—Yes.

54. And the other provinces, like Bengal and the United Provinces, are only spending 2·4 and 2·5 *per capita* ?—Yes.

55. In view of this fact, do you still assert that education in your province has been starved compared with other provinces ?—I have never asserted that education has been starved.

56. Would you like to spend more than twice as much as the other provinces are doing on education ? —I say we have reached a stage now when we cannot spend any more on education than we are spending at present.

57. Is not that a larger question, applicable to the whole of India, and much more applicable to the other provinces which have spent far less than you have spent ?—Possibly; but I should draw your attention to the fact that this is not a new phenomenon, that we are spending twice as much as Madras.

No, but I am just bringing you to visualise a new phenomenon presently; that is, about the Bombay development, in which you lost a lot of money. That is a new phenomenon. I will come to that presently. Now, so far as education is concerned, it cannot be said that you have suffered in relation to the other provinces in the matter of education ?

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58. Now look at Madras, please. Madras has spent 218 lakhs on education: is that so ?—Yes.

59. And Bombay has spent 205 ?—Yes.

60. And the rest of the provinces have spent very much less; Bengal 158; the United Provinces 141; Punjab 170; Burma 56; Bihar and Orissa 87; Central Provinces 137; and Assam 29 ?—Yes.

61. That is surface area ?—Population.

62. Yes, on the basis of population.—Now if I may add, before you go on—the remark I made this morning related to progress. These two statements are static. If you now look at statements 10 and 11 you will see a comparison of progress, which shows that if one compares the progress of Madras and Bombay since 1921, say, when the Reforms came in—that is on pages 620 and 621—Bombay in the year 1921–22 spent 172 lakhs, and Madras spent 142.

63. *The Chairman*: On pages 620 and 621,* taking them together, the left-hand side is Bombay and the right-hand side is Madras. The result is, as I follow it, taking the column Education, that in 1921–22 here in this Presidency 172½ lakhs were spent on education and at the same time in Madras the amount spent on education was 142 lakhs. Now, what is it you want to contrast with that ?—My point was that when I made my remarks this morning I was talking about progress.

64. I know.—Even in 1921–22 the *per capita* expenditure in Bombay was double what it was in Madras, so the question is one of relative progress. That is what I wish to stress—rather natural progress. It is no argument as regards the Meston Settlement either one way or the other that Bombay is spending twice as much as anyone else, because we spent that before the Meston Settlement was thought of.

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* Vol. VII.

65. *Sir Hari Singh Gour*: I take you to the Committees. You all accepted the Meston Award when it was given; all the provinces did so. You found that you had bartered the income-tax for land revenue, and because you did not make a progressive increase in the realisation of land value you said you had made a bad bargain ?—We never made a bargain, excuse me. Neither Bengal nor Bombay ever accepted the settlement; they both protested against it at the time it was introduced.

66. When did you first protest against the Meston Award ? How long after it was given effect to ?—I think the report was dated 11th April and the letter of the Bombay Government was dated 8th June.

67. Surely you were not the first to fight against the Meston Award. It was Bengal ?—I do not know about the public protest. I am only giving you what actually happened. The report was signed in April, and it must have come out shortly afterwards; and the protest of the Bombay Government to the Government of India was sent out in June.

68. But so far as the public protest against the Award is concerned, your representatives did not protest against the first Award as you told us just now, but they protested against the discrimination, viz. the suspension of two crores of provincial contribution that was made to Bengal. That was the fact ?—That was another protest.

69. That was the origin of your first protest. You said: "You have suspended two crores of annual "contribution to the people of Bengal. Now what- "ever was given to them, give us also the same "remission of the contribution." That was your protest in 1922–23 for the first time ?—Are you asking me to agree that the first protest was made by Bombay when remission was made to Bengal ?

70. You did not make the protest because you did not feel the pinch. You made the protest because Bengal got two crores of remission ?—I do not agree. We made the protest immediately on grounds both of theory and of practice.

71. I am not referring to your protest in the Legislative Council ?—No.

72. Now the situation is you want now a resettlement with the Central Government, and you still say that you wish to get a percentage of revenue from income-tax. At the same time you do not want any resettlement with the province of Madras ? —I have not said so. Any new settlement will apply equally to all the provinces.

73. You want a readjustment of finances of all provinces in relation to the central revenues ?—Certainly.

74. *The Chairman*: I understand that the witness's view is that he is naturally interested primarily in the Bombay case and that the remedy proposed is a revision of the settlement, which would apply equally to all the provinces. No doubt Bombay will gain by it more than the other provinces, because it produces more income-tax. But still he is applying the same formula everywhere ?—Yes.

75. *Sir Hari Singh Gour*: I suppose you will concede that the Central Government did not agree to any specific relief you wanted. You fought against the Meston Settlement. All you want is a reconsideration of the Bombay case ?—We want more than a reconsideration. We want a resettlement.

76. But not necessarily in every detail in the manner you desire ? A resettlement may give you more money, or it may leave you where you are ?—Yes.

77. Now as regards your budgets and the deficits for the last few years, I would ask you to kindly glance over paragraphs 2, 3 and 4 at page 35 of the Government of India document* in relation to your budget. You will find there this: "The budget of "1923–24 would have shown a small surplus, but "for the interest charges of Rs. 63 lakhs on account "of the Development Department. In the following "year again in spite of retrenchments in expenditure "to the extent of Rs. 32 lakhs recurring, the budget

* Vol. V., p. 854.

" anticipated a deficit." And then with regard to the remedies, you will find in the next paragraph: " Apart from the financial embarrassments caused " by ventures such as the Bombay Development " Scheme, these difficulties would seem to be due " largely to the fact that Bombay is the most highly " industrialised province in India and that it has a " higher proportion of urban population than any " other province. The standard of living is com- " paratively high in the industrial cities of the " Presidency and, owing to the migratory character " of the labour population, this has, it is stated, " indirectly affected the standard in the villages, to " which most of the villagers, who resort to industrial " centres, retire after a certain period. The scales of " salaries particularly in the subordinate services are " much higher than in the other provinces, partly, it " is stated, on account of the cost of living and partly " on account of the alternative avenues of employ- " ment provided by industrial concerns "; so that one cause of your misfortune in 1923–24 and later on was this Development Scheme ?—Undoubtedly, but not to the extent one would understand from this. In regard to this I only wish to say that the statement made in this book that—" The budget of 1923–24 ' would have shown a small surplus but for the " interest charges of Rs. 63 lakhs on account of the " Development Department "—ought to be expanded a little. It is not quite correct, in the form in which it is put.

78. Now Mr. Wiles, I wish to draw your attention to the financial relations in another book.* At page 984 the position is clearly summarised. It is this, that the Provincial Legislative Councils have been given power to tax without the sanction of the Governor-General for purposes of the Local Government. You have got there 8 distinct heads of revenue, and then you have got below 11 heads of revenue. The question I wish to ask you is this. If you really wished to reinforce your nation-building departments, did you resort to the levying of any of the taxes under this head which you are entitled to do without the sanction of the Government of India ?—Yes. You will find a list of them somewhere in this book. I can detail them. We had an entertainments tax; we had a tax on gambling; we have enhanced registration fees, and we have also enhanced stamp fees.

79. Now the most important point I wish to draw your attention to is No. 2, a tax on succession or succession by survivorship in a joint family. Now, you have got a very large number of wealthy people living in Bombay. That is your case. Yours is a very wealthy industrial country. Why do you not levy a tax under head 2, which you are entitled to and which would have brought in more money ?—This question has been under consideration at least for six years in the Bombay Secretariat. We got as far some years ago as drafting an Act. It was sent to the Government of India and to other local governments for their opinion. Shortly after that the Taxation Enquiry Committee was appointed, and they investigated amongst other questions this question of the inheritance tax, and made certain recommendations which must be known to you. After those recommendations were made the local governments all (I think in conference) considered this question, and I believe I am correct in saying that it was the unanimous opinion of all local governments that a succession tax could not be successful unless it was administered by the Central Government. That is the only reason why we have not put on a succession duty. There is great difficulty of administering it as a provincial tax.

80. Did not your Government draw up a note suggesting the levy of death duty with reference to what had transpired in the Legislative Assembly only about eight months ago ? The Taxation Committee in paragraph 377, page 276, of their report state as follows :—" To prevent evasion of the duty " on shares of deceased members by allegations of " oral relinquishments or partitions, it should be " provided that no partition or relinquishment of " family rights would be recognised for the purpose " of the duty except those represented by registered " instruments." Now, what the Government of India did was to introduce in the Council of State a Hindu Partitions Bill which was passed by that body without criticism, but when it came to the Legislative Assembly I had the misfortune of pointing out to the Government of India the difficulties in the way of administering that Act and the Government of India withdrew that Bill. I presume that it was with a view to facilitating the levy of a death duty as recommended in this chapter by the Taxation Enquiry Committee that that Bill was introduced. The Legislative Assembly stoutly opposed the enactment of any Bill on the lines suggested in paragraph 377. In view of that do you think it is at all likely that the Central Government would be able to induce the Legislative Assembly to pass an Act for the levy of death duties of a character described in this Chapter XII, and you will observe also the great difficulties in regard to the Hindu families which you will find in paragraph 374, page 275 of the Taxation Enquiry Committee's Report in the case of Mitakshara joint families ?—I am aware that there are considerable difficulties in imposing it. But I understand that the Government at that time was prepared with an Act of Succession duty which they hoped would meet with a minimum of obstruction.

Sir Hari Singh Gour: In their résumé of their recommendations, at the end of the book, as regards death duties, they point out that there would be a lot of difficulties and that also in many cases they will have to change the personal law of the people.

The Chairman: May I give you the reference ? It is page 436 of the Todhunter Report. " A " succession duty is impracticable in India, but " a duty on the lines of the English Estate Duty, " which may initially take the form of a transfer " or mutation duty on death, is more practicable." (*To Sir Hari Singh Gour*): You take a hopeful view of the practicability and willingness of the Legislative Assembly to adopt a law on the matter ?

Sir Hari Singh Gour: Yes.

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POONA.
Dated, 19th October, 1928.
Morning.

PRESENT:
ALL MEMBERS OF THE COMMISSION, AND OF THE CENTRAL AND THE BOMBAY PROVINCIAL COMMITTEES.

Mr. F. C. GRIFFITH, C.S.I., O.B.E., Inspector-General of Police, and Mr. H. F. KNIGHT, I.C.S., Secretary to the Government of Bombay, Home Department.

1. *The Chairman*: I think it might be well if we put a few questions to the Inspector-General of Police first, Mr. Knight standing by, and then we will change over. Will that suit you both ?—(*Mr. Griffith*): Yes.

2. Mr. F. C. Griffith, you are Inspector-General of

* Vol. V.

Police; for how long have you been in the Indian Police Service?—I am in my thirtieth year.

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5. How is the police force organised in the great city of Bombay?—It is an entirely separate entity there. It is a homegeneous force under a Commissioner of Police, who is himself directly responsible to Government.

6. Have you been Commissioner of Police in Bombay?—Yes.

7. I think the present Commissioner is Mr. Kelly?—Yes.

8. When you were Commissioner of Police for the City of Bombay, you would be responsible for the Bombay City force?—Yes.

9. Now, as Inspector-General of Police, you are responsible for the police of the rest of the Presidency?—Yes.

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10. *Colonel Lane-Fox*: * * * what is your relation with the Commissioner of Police in Bombay?—He is in no way under my orders. We collaborate very closely, but he is not under my orders.

11. Can you tell us something about the organisation throughout the Presidency? What sort of strength have the police?—In the full Presidency, including Sind, 22,700.

12. How are they recruited, in the main?—We have in this Presidency two distinct branches, the armed branch and the unarmed branch. The unarmed branch is recruited from the people of the locality. We are bound very largely by the language question. The armed police, on the other hand, are recruited from all parts of India, and very largely from the army.

13. You have a large proportion of old soldiers?—Yes.

14. What sort of service would they have in the Army before they come to you?—It is very difficult to say now, because we have a number of men discharged after the war, after serving a short term.

15. What organisation have you got? What are your centres? There are 27 districts, are not there?—The district is the unit. Each district is in charge of a Superintendent of Police, who has under him one or more sub-divisional officers. They have under them sub-divisional inspectors, and the inspectors have under them a number of sub-inspectors, who are officers in charge of a police station. Each police station has under it one or more outposts in charge of a head constable.

16. The District Superintendent reports direct to you? He is next in the link to you?—There is bifurcation there. I am in no way responsible, under the Police Act, for the maintenance of law and order. It is my function, as I understand it, to see that the instrument whereby law and order are enforced is in a high state of efficiency; but the officer who is responsible for the preservation of law and order is the District Magistrate.

17. Then in case of trouble it is the District Magistrate who calls up any extra reserves?—Yes.

18. If there is trouble in one district and help is wanted from elsewhere, what would the District Magistrate do?—He communicates either with me or with the Superintendent of Police, who is his adjutant. If he communicates direct with me, I transfer men. Moreover, the Divisional Commissioner, who is not a policeman but a revenue officer, has authority to transfer men in his own division.

19. *The Chairman*: There are four divisions in this Presidency, I think?—Three, excluding Sind.

20. I notice, whether Sind should be separated or not, one tends to speak of the rest of the Province as the Presidency proper?—Yes.

21. I was speaking of the whole Presidency; in the whole Presidency there are four?—Yes, or five including the Bombay suburban district.

22. *Colonel Lane-Fox*: Who takes command? Who is in charge of the police that are brought in? The District Magistrate?—The District Superintendent of Police is responsible, under the orders of the District Magistrate.

23. In case of a prosecution, do the police prosecute?—In connection with a riot?

24. In connection with any trouble?—Yes, the police prosecute.

25. Before the District Magistrate?—Not necessarily before the District Magistrate; before any magistrate. They prosecute before the magistrate having jurisdiction over the particular area.

26. I suppose you have three main sources of trouble; there may be communal trouble, there may be the question of a strike, or you may occasionally have trouble at elections?—I have never known of trouble at an election yet.

27. I suppose your main troubles are due to communal difficulties?—At present, yes.

28. Do you have to organise your police at all in connection with that? Do you find any difficulty in using certain branches or sections of the police to deal with particular communities?—We have. All our Parsi and Christian officers are used up already.

29. Do you find you can use only certain portions of your force in certain cases? If there is trouble either of a Muhammadan or Hindu character, have you to use certain sections of your force to deal with it?—No. The rank and file are policemen first and Hindus or Muhammadans afterwards.

30. The fact that so many troubles are due to that particular question makes the proposal to make law and order a transferred subject instead of a reserved one more difficult, because the main trouble which might imperil law and order would be communal?—Yes.

31. Therefore the Minister might sometimes be in a great difficulty, if it was a communal trouble which affected his own particular party?—Yes.

32. One sometimes hears statements made of corruption amongst the police, not only in this country but all over the world. Is that sort of allegation brought against the police in this Presidency?—Occasionally, yes.

33. Do you think there is any tendency for that sort of thing to increase?—I do not think so. I think the contrary is the case.

34. In the higher ranks, under the process of Indianisation, I suppose you will gradually get more Indians in?—Yes.

35. As Superintendents?—Yes.

36. Is that process going on rapidly with you?—Not very rapidly. We have got a certain percentage. We have worked up to the percentage for annual recruitment laid down by the Lee Commission in the superior cadre, and we are steadily recruiting to the Imperial cadre in accordance with the percentages laid down.

37. Have you got up to the full extent of that yet?—No.

38. On the whole, you are satisfied that the condition of the police is still as good as it was, and that corruption at any rate is not increasing?—What I meant to say about corruption was this, that for corruption there must be a giver and a receiver, and both are equally guilty in the eyes of the law. Now that people are waking up and are more inclined to resist anything in the nature of pressure from the police, I think the police themselves get far less than they did in the way of perquisites.

39. And also you probably hear more about it if there is any question of corruption?—Yes.

40. It is more widely known?—Yes.

41. Public opinion is having its effect on that?—I think so.

42. What is the actual position in the village? Who corresponds to what we call in England the village bobby?—There is a very effete system here of village police. There is a police patil who has certain powers under the village Police Act. He is not recruited by the police at all, but by the District

Magistrate, and he has certain duties under the Act, particularly in regard to looking after criminal tribes and in reporting to the police at the outpost. In practice we found, when we tried in 1921–22, as a policy of retrenchment, to reduce the number of unarmed police and so put a stop to patrolling, the sub-inspectors of police became more or less blind, because the village police did not supply them with the information which we hoped they would.

43. They have to report to the Superintendent, but they are not directly recruited by the police ?—They report to the sub-inspectors at the police station.

44. But they are not directly under the command of the sub-inspector, are they ?—No, not in any way.

45. What sort of number would there be in the average village ?—It depends on the size of the village, but in the average village there is one police patil, and he has under him three or four men—jagliars—who are a kind of village watchmen.

46. They are not in uniform ?—No. They wear a belt.

47. Is there anything you would like to tell the Commission generally on the subject of the police force ?—In what particular line ?

48. On your own lines. Is there anything you would like to tell us ?—I should like to mention our experience with regard to Indianisation, because I think it is important. We have got in the cadre five officers who are recruited from the provincial service ; they are Indians who were selected and promoted. We find that the majority of them are perfectly capable of running a district. These men have all been tried in the fire, and they have been selected with great care because we feel confident they are men who are able to do what we require of them.

49. *The Chairman* : May I interrupt to ask you this. These five officers who have been promoted from the provincial service were doing what sort of work before ?—They were doing the ordinary sub-divisional work. They started as inspectors or sub-inspectors and worked up through the ranks to become Deputy Superintendents of Police, exactly equal in rank, position and responsibility to an Assistant Superintendent of Police, i.e. a direct recruit from England.

50. What sort of offices do these five officers hold now ?—Superintendents in charge of districts.

51. They are District Superintendents of Police ?—Yes.

52. Out of 27 districts to-day, five are districts which are in charge of District Superintendents of Police promoted from the Provincial Service ?—Yes.

53. And on the whole quite satisfactory ?—Yes.

54. You were going on to tell us about the others, I suppose. You have 27 districts and you have so accounted for five ?—The others are almost entirely recruited from home. At present we are in rather a curious position. Before the Lee Commission came out we had a large exodus of officers under the proportionate pension rules, and we had to make good that shortage and were compelled to take in a large number of officers from the Army, who are proving remarkably efficient.

55. I thought that besides the officers recruited by promotion from the provincial service, you might perhaps have some Indians directly recruited ? I do not know whether you have ?—Yes, we have. They are at the beginning of their service now.

56. They have not yet reached the higher rank ?—No.

57. *Colonel Lane-Fox* : I take it they will go to the higher ranks if they prove themselves efficient ?—Yes. The first one came in 1922.

58. What sort of period does it generally take for a man to rise to the position of District Superintendent ?—It is generally assumed to be eight years, but it varies enormously.

59. You will not realise the value or otherwise of these men for several more years, anyhow ?—It will take some time.

60. I should like to ask you about the distribution of the armed and unarmed forces. Does each district have its quota of so many armed and so many unarmed ?—With the armed police we make provision for all guards and escorts to be supplied in a district, and we provide the full number, plus reliefs. Above that you have the safety reserve, and above that a 15 per cent. reserve for leave, training, sickness and so on.

61. I take it the armed are probably grouped in larger sections than the unarmed ?—At head-quarters they are, yes. In the districts you generally have a strength of two head constables and six constables, or three head constables and nine constables, according to the size of the taluka head-quarters, but never more than that.

62. *The Chairman* : May I just ask this supplementary question ? You said, I think, that your most serious difficulty which would arise from time to time would be traced, you thought, to communal feelings ; is that so ?—Yes.

63. You have had a very long experience in this Presidency in the police service ; I wish you would give me your view. Do you think that from your (that is to say, the police) point of view, communal tension in this Presidency has increased or diminished since the Montagu Reforms ?—At first there was an extraordinary rapprochement between the Hindus and the Muhammadans, about ten years ago, but I think the pendulum has now swung in the opposite direction. So far as this Presidency is concerned, particularly in the north, in Gujarat, we have had a great deal of communal tension, a great deal more than in the past. Whether that can be attributed in any sense to the Montford Reforms I cannot say.

64. I am much obliged to you for correcting me there ; I think you are quite right. It does not follow, of course, that because a particular development may have occurred in the last ten years it is due to something that happened ten years ago ; that is perfectly fair, and I am glad you have corrected me. I wanted to know whether in the last ten years in fact from the police point of view the task —the burden—of keeping law and order in the face of communal strain was an increasing burden ?—Yes, undoubtedly.

65. On the whole you think it is ?—Yes.

66. Of course, it is by no means limited to Hindu-Muhammadan tension. I did not mention that, nor did you. You may have tension of another sort ?—Yes.

67. You may have tension between Brahmins and non-Brahmins. I have another question. I suppose, of course, the duties of the police, in this and every other country, are to keep order ; but the cause which requires them to be called in may be a cause which arises either on the transferred side or on the reserved side ?—Yes.

68. To give an instance which occurred in the Punjab. There was a very serious situation which had to be dealt with by the police in a portion of the Punjab which originally arose from and was traced back to very strong feeling in a portion of the Sikh community on the subject of religious endowments. That, as you know, is a transferred subject. It seems, therefore, as though the police may very likely be required, whoever has the duty of giving them orders, in connection with transferred subjects just as much as reserved subjects ?—Yes.

69. That must be so, of course ?—Yes.

70. Then I want to ask you this. Besides the police force, armed and unarmed, there is, if occasion ever calls for it, the possibility of asking for military assistance ?—Yes.

71. I imagine the police handle a situation by themselves without the military ever being called out if it can possibly be managed ?—Yes.

72. That is certainly, if I may express an opinion, the proper view—that the military should never be brought in, if it can possibly be avoided, in matters which the police are concerned to keep straight. In

your experience, when there is very severe tension or the prospect of a really bad row, what is it that is done to secure co-operation between the military and the police ?—I have had considerable experience of working with the military in Bombay City in the industrial troubles of 1919 and 1920, when I was in charge there. I never abdicated my responsibility or functions once.

73. That was when you were Commissioner of Police in Bombay City ?—Yes. I called in the military under the authority vested in me and we collaborated. Orders were issued by the military commanders, but only in consultation with the Commissioner of Police, and if it was necessary, if the situation had passed beyond our control, all we had to do was to say to the military officer, " Will " you please assume control ? " and he passed such orders as he thought necessary to restore order. That was done only twice, I think.

74. Those troubles were in Bombay City in 1919 and 1920 ?—Yes.

75. Now let us come to the rest of the Presidency, of which you are Inspector-General of Police. Have there, during your term as Inspector-General, been occasions when it has been thought necessary to secure military aid in connection with restoring internal order ?—Only in Sholapur, where they called out in time of grave emergency the Volunteers—the A.F.I.

76. The volunteers ?—Yes.

77. Here in Poona, for instance, there is a very considerable military station, as we know ?—Yes.

78. I am glad to think it is not necessary, but I should like to understand what would be done if it was necessary. What is the system here ?—The first thing we do if there is presage of trouble is to warn the military and ask them to stand by, and they do so.

79. That is to say, they have the men ready in barracks ?—Yes, to move at the shortest notice. If the situation develops badly, those men may be moved to a more central position, and then finally they may be brought actually on to the scene of action. It has not been done during the eight years I have been Inspector-General.

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80. Then I would like you to tell me one other thing, so as to be clear and frank about it. Supposing that there is a sudden outburst of trouble of an intensely communal kind, what is your impression of the public feeling ? Is the ordinary public here equally satisfied, if there is communal trouble, to have the police handled by an efficient police officer who is himself of either one conflicting party or the other, or does the public, in a case like that, show any desire to have the situation handled by an English policeman, not, I suggest, at all because the English policeman is any better man, but because he is neither of one side nor of the other, by race or religion. Is that how you find it ?—I think that is so.

81. Tell us within your experience how you find it is ?—Within the last month or two we have had a serious outbreak of communal disorder in a place called Godhra, in this Presidency. It so happens that the Superintendent of Police there is a Muhammadan. He is a very fine police officer, and also a very fine Muhammadan ; he is known, in fact, as the Maulvi Sahib, which I think is rather significant, because it means that he is a man who is really a true follower of his own religion. There was straight away an outcry from the leading Hindus of that locality, demanding his immediate transfer, and they even went so far as to suggest that he himself had prompted the riot, although he was not there at the time, and a lot of loose statements were made which must have made his position extremely invidious ; but he has been working very well indeed, and investigating the cases. We have given him the assistance of some officers who cannot be accused of communal bias one way or the other, both of whom are Parsis, just the same as we had to do at Broach for the actual investigation.

82. If I follow what you are telling us, which is certainly very interesting, the sort of difficulty you seem to sketch is not, of course, the difficulty that the Indian officer is not a perfectly upright and responsible person, but that his own circumstances expose him to suspicion and attack ?—Yes, exactly.

83. I dare say these difficulties arise in a greater or less degree in every country where there is strong feeling. I suppose these difficulties really have to be got over by tact and good sense and firmness on your own part ?—Partly.

84. You have to decide whether there is to be a transfer or what help can be given ?—That is so.

85. *Major Attlee* : I want to ask about the personal relationship between the public and the police force, the attitude of the populace towards the police, which differs from country to country. In England we say, "If you want to know the time, ask a policeman." The attitude is rather a friendly one. What would you say as to the general attitude in this country in this respect ?—It is hard to say. I think it varies in different parts and at different times.

86. Is the policeman regarded, for instance, merely as something rather external to the life of the place, to keep order, or would he be regarded as a sort of person you could turn to in time of trouble, to ask advice, and so on ?—There is not the same feeling for a policeman in this country as there is for the policeman at home, that is perfectly certain. I think that the people regard him in this way ; they abuse him, and yet if he is removed they want him back. I cannot put it more clearly than that.

87. A necessary evil ?—A necessary evil, yes.

88. Could you just give me what the proportion in a district of the armed police is to the unarmed ?—Very roughly, I think, about 1 to 3. Twenty-five per cent. I should say are armed, possibly 30 to 35 per cent. It varies.

89. In this Presidency does the local police officer conduct prosecutions before the Magistrate himself ? —We have got a special prosecuting sergeant. The investigating officer is not allowed by the law to prosecute, so we have a number of prosecuting officers who are trained pleaders, who join as prosecutors, and confine themselves entirely to prosecuting important cases.

90. What is the reason for their being in the police force ? To our idea, a public prosecutor is someone who is entirely apart from the police.—The public prosecutor takes up the more important cases. Anything of real importance is taken up by the public prosecutor ; but the police prosecutors deal with the smaller cases.

91. What I wanted to get was, they are enrolled policemen under the discipline of the police force ?—They are not enrolled policemen, no ; they are in the same way as the clerical establishment is a part of the service. They have no powers under the Police Act. They are not police officers. They do not wear uniform, and they have, as I say, no powers under the Police Act. They are simply prosecutors, but for administrative convenience they are placed under the orders of the Superintendent of Police.

92. Has it ever been suggested that they could more suitably be under the District Magistrate ?—No.

93. You were pointing out your own position as a policeman ?—Yes.

94. That you were responsible for the discipline of the force ?—Yes.

95. But the actual utilisation of it, I gather, is in the hands of the District Magistrate ?—The District Magistrate is responsible for law and order, but he interferes in no detail.

96. I cannot quite make out why those prosecuting officers should be still under the police force. I should have thought it was rather invidious from the public point of view.—It has never been otherwise since they were first enlisted in 1909, and I have never heard the point raised before. I have not considered any possible objection.

The Chairman: Major Attlee will have it in mind, of course, that a similar situation does exist in England. I was asking Colonel Lane-Fox about it from the Quarter Sessions point of view. I think the small cases in the country in England are very often cases where the Inspector of Police is the prosecutor, and more or less he actually does it himself; and, as we know, of course, in London there is a Solicitor to the Metropolitan Police who does the prosecution. I follow the point you are putting, but I did not want the impression to be conveyed that there is nothing in the least like it in England, because I think there is.

Major Attlee: The point I wanted to make was that they are regular officers who have a regular duty.

97. *Lord Burnham*: May I ask you one or two questions on a matter of principle which has long been the subject of discussion in this country, and which is alluded to in Chapter VII of the Bombay Government's handbook,* at page 282, under "Separation of Executive and Judicial Functions," which, it says, is of long standing. On page 284 the Royal Commission on Decentralisation in 1909 is said to have stated "that the control of the District "Magistrate over the police for general purposes "should be absolute, and that there should be no "room for doubt as to his full responsibility for the "criminal administration of the district." That rule is observed, I understand from you, now as then?—Yes, unquestionably.

98. Is there any difficulty in the working of that rule as between you, in executive charge of the police, and the District Magistrate?—I have never had personally any friction, but the friction is much more likely to occur in the district itself. It sometimes does occur.

99. Does the friction interfere with the proper execution of the law? Is there enough friction, I should rather put it, to interfere with that?—No, it is stopped before that can happen, by a transfer if necessary. It is very rare. I can only call to mind one case in recent years.

100. Then, on the whole—I can only ask from the point of view of your personal experience in the practical working of the system—there is nothing to give greater point to those who advocate the separation of judicial and executive functions in these matters?—there is no more point now than there was forty or fifty years ago?—I think not.

101. If the District Magistrate is responsible to the extent that is laid down, would he be the authority to decide what action should be taken, where communal disturbances or labour disputes are in progress?—He would undoubtedly fix the policy, and probably leave it to his superintendent of police to carry it out.

102. But the District Superintendent must have his authority to act?—Not necessarily. He has certain authority under the Act. He has got certain powers as a police officer, and certain duties.

103. In cases of emergency?—In cases of emergency and so on, but in such cases as the issuing of preventive orders, and things of that description, the District Magistrate would undoubtedly be the officer to issue the order.

104. You spoke of the danger of mutual suspicion in communal cases, where the District Superintendent or police officer belonged to one or other of the contending factions. Does that apply to the District Magistrate as well?—It undoubtedly would.

105. But in your experience—because that is really what I want to get at—have such cases arisen?—I cannot call to mind any such cases.

106. Then the difficulties of communal jealousy or communal suspicion are confined to the executive officers of police?—I do not think I quite follow.

107. I understood you to say that there was a difficulty of mutual suspicion rather than prejudice in the case of officers of police belonging to one of the communities engaged in conflict, and I went on to ask you whether that applied to the Magistrate, and I understand you to say no, you know of no such cases.—I did not quite grasp your meaning. I rather understood you to mean in the event of communal disturbances.

108. Yes, that is so. You do not know of any case in which there has been difficulty owing to the Magistrate belonging to one side or other of the warring factions?—The District Magistrate?

109. Yes, the District Magistrate.—It so happens that we have had the good fortune not to have communal trouble where there has been a District Magistrate who has been of the same or another caste to the policeman.

110. I am not quite certain whether you refer, before you take action, to the Member of Council in charge of your reserved department, or whether you have full discretion to act always for yourself?—In what connection?

111. In regard to any action of the police in communal disorders, or possibly it might be in labour troubles?—I would certainly act on my own authority, but keep very closely in touch with my Member.

112. He is aware of what is being done?—He is kept aware, very closely aware.

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113. *Lord Strathcona*: I want to put more precisely the question asked by our Chairman and by Lord Burnham. Supposing you want to call out the military, or you want military assistance, what is the precise channel through which you do that?—That depends where you are. In Bombay City I used to go direct to the Brigade Commander.

114. Do you do this on your own authority, or do you consult the Member of the Home Department before you do so?—In Bombay City I do it direct In the Presidency it is no concern of mine.

115. But in every case the police officer on the spot goes direct to the military without consulting the Department?—I should think in a district it is impossible to lay down any definite rule, because circumstances may necessitate immediate action; but if the District Magistrate were on the spot and available, I am certain that no superintendent of police would think of calling the troops without first obtaining his approval and consent.

116. What it comes to, then, is that there is no one to say to you, "This is not an occasion on which "you should call out troops." You are the arbiter?—Yes. The civil power—that is how it is phrased—may call for military assistance.

117. So the question of whether it is a transferred department or not does not affect your position as far as calling out the military is concerned, if you think it is necessary?—No, not at all.

118. *The Chairman*: I would like you to pursue it a little bit, Lord Strathcona. Imagine for the moment that law and order was under a Minister, but that the British Army was not transferred, but remained as it is now. Then what would be involved would be, would it not, that the District Superintendent of Police desiring military assistance, himself belonging to a transferred department, would call on the military, and according to practice now does the military respond to the call without question?—Yes.

119. And do you say—I can well understand it—that in times of crisis, when time matters, he may have to do it without anybody else being consulted?—Yes.

120. *Colonel Lane-Fox*: You told us that the District Magistrate was the person from whom the District Superintendent would take orders in case of trouble?—Yes.

121. Supposing there was a case in which the District Magistrate thoroughly lost his head, and the District Superintendent was not satisfied at all, has he anyone to appeal to? Could he appeal to you?—He could not appeal to me, but if the trouble were big enough to attract the Commissioner, and he happened to be on the spot, he would go direct to him.

* Vol. VII.

122. *Sardar Mujumdar*: Are you aware of the troubles, though on a small scale, that have taken place in certain districts of the Presidency since 1920 owing to the Brahmin and non-Brahmin feeling?—Yes.

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124. *Khan Bahadur S. N. Bhutto*: Do you favour the transfer of law and order?—Personally, I do not.

125. On what consideration? It would only make the position of a Minister difficult, or do you think at the same time you will not be able to maintain the efficiency of the police?—I do not fear that. What I fear is trouble afterwards. I would envisage a situation where the Minister was elected and sent to the House by the constituency where the riot took place. He is, we will say for the sake of argument, a member of one of the two conflicting communities. No policeman would dare to act if he had doubts as to what might happen to him afterwards when the time came to sweep up the pieces. That is why, in broad outline, I think it would be extremely dangerous to transfer law and order at present.

126. At present you may have to deal, in the course of your own duties, with both departments, transferred as well as reserved, but you do not mind that and you do not hesitate to do your duty independently because you have not to deal with a Minister at all?—Yes.

127. You have nothing to do with the Minister?—I am not under his orders in any way.

128. You say that owing to the growth of public opinion in the country corruption is on the decrease. That may be so in areas where public opinion has improved or education has progressed, but in most of the country, in the mofussils, as you well know, the people are not educated. Do you consider any improvement has taken place there as well?—I think there is an improvement everywhere, even in Sind.

129. *Dr. Ambedkar*: You stated just now that the police force of the Bombay Presidency is regarded by the populace as a necessary evil; that there is not much love lost between them. That is the effect of what you stated, I think. You said that at home the policeman was looked on as a friend, but that here he was not?—That is not quite what I meant to convey. I was talking about the view of a citizen towards an individual policeman.

130. On the whole, was not that your view?—I was talking about the relationship between an individual policeman and the people he had to protect, and not the force as a whole or a compact body of men. I did not mean that.

131. What is your opinion as regards that—the police force as a whole?—If one ever closes a police station or an outpost there is a strong popular outcry.

132. I do not mean with reference to any particular occasion of disturbances; I mean generally?—I am not talking about disturbances. In the retrenchment of 1922 we closed a number of outposts and police stations, and in almost every instance that closure was followed by petitions protesting against it signed by everyone in the locality. I think that is gratifying.

133. What I wanted to get at was the attitude of the population towards the police force?—I think that is the answer.

134. That they like them?—They want them.

135. Do you employ the depressed classes in your police department?—In very small numbers only.

136. You do not admit them to the Nasik police training school?—I believe that one has been admitted.

137. Who is that one?—I could not tell you.

138. When was it?—I could not tell you.

139. Can you say why you admit them only in such small numbers?—Because there are great practical difficulties in the way of employing members of the depressed classes as executive police officers.

140. What are the difficulties?—A Brahmin would object very strongly to having his house searched by a Mahar. That is a practical difficulty.

141. On account of untouchability?—Exactly.

142. That works as a bar for the employment of these people in the police force?—In effect it does.

143. *Mr. Cadogan*: Are there none at all?—Very few.

The Chairman: Dr. Ambedkar, do you think it is correct to say a Brahmin would object to having his house searched by a depressed class police officer?

Dr. Ambedkar: That is what the witness says.

The Chairman: Yes, but do you think so?

Dr. Ambedkar: I do not know, if a man went there in his police capacity.

The Chairman: You must remember a man's house may be searched although he may be quite innocent. The police may have to do their duty, even though the result may show their suspicions to have been unfounded; so I am not speaking of a guilty man, but of an innocent one.

Dr. Ambedkar: I suppose from the answer given that both the innocent and the guilty would object.

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144. *Dr. Ambedkar*: The objection is to the personality. With respect to the village police system, you say there is a village police patil who generally looks after the police duties of the village. He is an hereditary officer?—In some parts of the country.

145. Except in Gujarat. Do you think this hereditary system is conducive to law and order in the village?—I do not think it has much effect one way or the other.

146. Do not you think a police officer belonging to one particular community resident in the village for generations is more inclined to favour an individual belonging to his village than to help law and order?—Yes, possibly that may be so.

147. On the whole, you would admit it is not a system conducive to law and order? There is more communalism in the man?—They are not charged with the duty of maintaining law and order so much as with giving information.

148. I will not say law and order, but giving information to the police. That is one of their duties?—Actually I think they do pick and choose as to what information they are going to give.

Lord Burnham: What is meant by the system?

149. *Dr. Ambedkar*: The system is that the village police patil is an hereditary man. Certain families have an hereditary right to officiate as police patils, and the District Magistrate is restricted to certain families which have that hereditary right. (*To the Witness*): With respect to the suspicion you have stated exists on the part of one community towards a police officer belonging to another community (you instanced the riots at Godhra), would not much of the difficulty be solved if the department had a rule that the police officer in any particular locality should usually belong to the minority community? Are you aware that in the constitutions of most of the new States created in Europe at the time of the peace treaties there is a provision that the police officer in a particular locality shall usually belong to the minority. If you observed that rule in the administration of the police here, would not most of the trouble vanish? The police officer is there to inspire confidence, and that confidence is needed more by the minority than the majority?—You would practically confine yourself to promoting no one but Muhammadans and Parsis.

Dr. Ambedkar: In a locality where Muhammadans were in a minority you might station a police officer who belonged to that particular community; at Godhra you might put an officer who was a Hindu. It is the minority which fears the tyranny of the majority, and you can obviate that by making such postings that the minority may have assistance more than the majority. In the new constitutions drafted for Czechoslovakia and some of the new countries of Europe after the peace treaties, these things were

included by way of guarantees. I am simply throwing it out as a suggestion.

The Chairman: I quite follow. Would you mind ascertaining for me whether in distributing the individuals of the police force the Inspector-General does consider the distribution from the point of view of similarity of race or religion ?

150. *Dr. Ambedkar*: Do you do that ?—Yes.

151. If you do that, this difficulty will not arise very much ?—The Superintendent of Police you mention is in charge of a large district in which undoubtedly Hindus predominate. Why should you pick on Godhra itself and say "Let us protect the minority here and let the majority in the rest of the district look after itself ?"

152. Because there is more danger of riots taking place in a concentrated area than in a village where the population is more scattered. Communal tension is greater in cities than elsewhere, and I think you might have that prominently in view in making your distribution ?—The quelling of communal disorders is a very small part of a police officer's duties, or ought to be at all events.

153. Although you are acting under the authority of the District Magistrate, the execution is certainly in your hands ?—In this particular case the riot was finished in half an hour, and the rest was just talk.

Dr. Ambedkar: True, but you might get some prevision as to what is coming. I am just putting this as a suggestion.

The Chairman (*to Dr. Ambedkar*): I am very interested in this, and perhaps you will not mind my making a comment. What I should like to follow is your own view about it; I do not know whether your colleagues share it. I am listening with great interest to this, because I am interested to know whether it is the view of yourself and your colleagues that if a policeman is an Indian it may be assumed that he will favour his own community. That seems to be the effect of those questions.

Dr. Ambedkar: It is an assumption.

The Chairman: But I am sure you are dealing with the facts as you think them to be, and of course that is very material if that is so. No one, I think, suggests the English policeman favours a particular community deliberately, though he may make mistakes, like everybody else; he has the advantage that he happens to be a neutral person, and sometimes he may be helpful in that way. Your question rather suggests, you know, that you hold the view that if the policeman is an Indian you would assume that he would favour his own community.

Dr. Ambedkar: His natural inclination would be that way, or at least the population believe it.

154. *Khan Saheb Abdul Latif*: What is the proportion of Muhammadans and Hindus in the higher grades of the service ?—You mean in the superior cadre of the police ?

155. Yes ?—Out of the 5, we have 2 Muhammadans, 1 Parsi, and 2 Christians.

156. *The Chairman*: Would you make it quite clear to whom you are referring ?—To the 5 officers who are Superintendents of Police.

157. Of your 27 District Superintendents of Police, I think you told us 5 were Indian officers ?—Yes.

158. And the answer is that of those 5, 2 are Muhammadans ?—Yes, 2 Muhammadans, 1 Parsi and 2 Indian Christians—Anglo-Indians.

159. *Khan Saheb Abdul Latif*: In cases of communal tension, are not complaints often made about such Indian police officials siding with persons of their community ?—They are invariably made by the opposite community.

160. Do you think that the present staff of police is sufficient to maintain law and order ?—It has been, so far; I will not prophesy.

161. Is not it true that the C.I. Department has not inspired confidence in the minds of the public, and, rightly or wrongly, are not complaints often made against that department by the public ?—All I can say is that the demands on the C.I.D. are one hundred times more than they can supply. Out of every hundred applications for assistance from the C.I.D. we are able to satisfy only one. That rather goes to prove the opposite.

162. Are not officers of the C.I.D. drawn from the deputy superintendents ?—Yes, they are officers picked out for their investigating ability.

163. Do such officers receive any special training ?—It is their life's training. They qualify in the school of experience, and when they become outstanding investigating officers they are taken into the C.I.D.

164. Are there communal troubles going on between the touchable and untouchable Hindus ?—No, not to my knowledge.

165. Not in your Presidency, at Mahad ?—Very small, if anything.

166. *Rao Saheb Patil*: What will be, in your opinion, the appropriate time for transferring law and order, and the police in particular, to popular control under a Minister ?—I cannot venture any opinion.

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169. *Rao Saheb Patil*: I want to know your difficulty about transferring your department to popular control. * * * —The reason I gave before was that I did not think it right that a police officer should be placed under the orders of a Minister who might have a great deal of pressure brought to bear upon him which might threaten his very office, his emoluments, his whole political career. The easiest thing in the world for him to do would be to sacrifice the police officer in order to maintain his position, and, frankly, I do not feel that the time has come when we should be absolutely safe and certain that that would never happen; and until I do have that feeling myself I should always be antagonistic to the transfer of the police department to a Minister who is responsible to the electorate.

170. *The Chairman*: Of course, I think it ought to be made entirely clear that in the answer you are giving you are stating your personal view ?—Yes.

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175. *Syed Miran Muhammad Shah*: Can you tell me if this usual suspicion of the superior officers is a transitory phase in Indian life, or whether it is inherent in the Indian people that they will always suspect each other ?—Well, that is a question of evolution.

176. You think that it is a transitory phase owing to the particular tension between the communities at this time ?—Yes.

177. I am sure you must have officers who are enjoying the confidence of both communities ?—Yes.

178. Have you any experience of receiving complaints against European officers also in times of communal tension being partial to one side or the other ?—Yes, we have had.

179. Do you consider your Indian officials in the higher categories to be quite capable of administering the area under their control ?—Yes.

180. Is it a fact that you did carry on retrenchment in this Presidency a few years back ?—We have been doing it consistently for the past seven years.

181. And your policy has been to abolish subordinate posts and increase the higher posts ?—No.

182. For instance, you have been creating more inspectors' posts, and you have been organising sub-divisons, sub-divisional officers, deputy-superintendents of police, and so forth. You have been doing that of late ?—That has been a part of the policy, yes—not of late; it has been very long-standing.

183. But you have been pursuing this policy of increasing the higher posts ?—I do not know that we have increased the higher posts.

184. Do you mean to say adjusting the posts in such a way as to increase the higher posts and decrease the subordinate posts ?—That rather goes behind the motive. The motive is that the only part of the budget which will yield a crop which is

worth garnering is what we call district executive force, and it is on the men that all the money is spent and it is the men that can be spared most easily, and that is why we have been compelled to reduce the number of men.

185. Do not you think crime increases in a particular locality on account of the reduction of police force ?—May I tell you what the system followed was ? This cut was forced upon us by the Council.

186. Which cut do you mean ?—A heavy cut of 60 lakhs was made. The whole of it did not come on the police, but the Council refused to pass a certain Bill of which the police had to bear a certain portion of the burden. I was told I had to reduce a certain number of men, and I said I could not do it. I was told I had to do it. So the only way I could do it was, supposing I had to reduce 200 men in a district, to reduce 250 unarmed police and increase 50 armed. In other words, we were not in such a good position for the investigation of crime, but our bludgeon arm was stronger. It was retrograde.

187. What pecuniary reduction has resulted from this reduction ?—We satisfied our orders. We were told to save a certain amount, and we did so.

188. Have you received any complaints of corruption against police officers ?—Yes, generally anonymous.

189. Who inquires into them ?—We do not inquire into anonymous applications as a rule, unless there is something in them.

190. Do you levy any police tax in the municipal areas in the Presidency ?—I do not know about that. I do not think so.

191. *Sir Sankaran Nair*: Are there two registers in this Presidency, one in the police station and the other in the village ? I thought I understood you to say so ?—I do not think I have referred to that at all to-day.

192. We will not go into a discussion, but is that so in fact.—I do not think I referred to registers.

193. Are there two registers kept of all characters, one in the police station and the other in the village ?—Yes.

194. Are those registers open to inspection by officers who may afterwards have to try cases relating to any one of them ?—I think a sub-divisional inspector has authority to look at them.

195. To inspect them ?—Yes.

196. Both of them ?—I imagine so. I think so.

197. Both the register kept at the police station and the register kept at the village office ?—Not at the police station. He would look at the other register.

198. Has the Sub-Divisional Magistrate or the District Magistrate no power to inspect the one kept at the police office ?—The District Magistrate has, but not the Sub-Divisional Magistrate.

199. Both of them have the power, and the other magistrates also, to inspect the register kept at the village office ?—Yes.

200. They may afterwards have to deal with criminal cases relating to any person mentioned in those registers ?—It is quite possible.

201. *Sir Hari Singh Gour*: I will divide my question into two parts, the preventive action of the police and the punitive action of the police. I am now asking you with regard to the preventive action of the police. You have said that there has grown up a communal tension during the last few years, synchronising with though not necessarily in consequence of the Montagu-Chelmsford Reforms ?—Yes.

202. Can you give me any special reason why there has been this increased tension during the last ten years ?—I can only suggest that they tried to force the pace in the other direction.

203. In what direction ?—Certain leaders tried to force an *entente* before the people were ready to receive it.

203. Consequently there was a political basis for this growing tension ?—Yes.

205. That is to say, each community wanted to grasp as much as possible of the power which, in the near future, they thought might be within their grasp ?—I do not know about power. It was a political demonstration on a religious basis.

206. Yes, the demonstration precedes the actual thing ?—Yes.

207. The only reason you can give, I understand, therefore, is that these disturbances are due to political discontent created in the country ?—No, I would not say that. You have got perennial factors. You have got temples, you have got mosques, you have got processions.

208. The temples, mosques and processions, are they not merely symptoms of a deep underlying discontent due to other causes ?—I think it is purely religious myself.

209. You think the religious sense of the people has become bigoted ?—I do not say that, but I will deal with a concrete question. The situation at Godhra is entirely due, in my opinion, to the rabid writings of a section of the Press. I would not say that is a religious cause.

210. And if you were to trace the genesis of the communal tension, what would you come back to ? Would it not be political in origin ?—It is very difficult to draw the line where religion ends and politics begin.

211. But one may be a means to the other ?—Possibly.

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212. *Sir Hari Singh Gour*: * * * Do you think you would enlist the further co-operation of the public in favour of the police if you had, for instance, such a thing as civic guards ?—Civic guards would have to be under proper control, of course.

213. They would be a sort of second line, of course ?—I doubt if it would have any effect upon the popularity or otherwise of the police *per se*.

214. Would it be a help to the police in the enforcement of law and order ?—It is very difficult to say.

215. Now a question has been asked you, why do you not enlist in larger numbers members of the depressed class in your police force ?—Yes.

216. Now I put it to you as a very experienced officer, if you had a larger number of members of the depressed class enlisted in your police force, and turned them out on the higher class of people for either investigation or house searches, or the like, do you think that would not add to your difficulties when you found the whole public opinion against you ?—Yes, that is my view.

217. It would seriously diminish the police efficiency ?—Yes, it would add to our difficulties.

218. It would increase the popular hostility towards the police ?—Yes.

219. That they are employing the menial classes for the purpose of sending them into our houses, polluting our homes, and putting them in a position of authority over us ?—Yes, that is the line that is taken.

220. Consequently you, as a police officer, would look to the efficiency first, and communal claims afterwards ?—Yes.

221. Now it has been suggested to you that, following the analogy of other countries, which may or may not apply to this country, your police officers should invariably be drawn from the minor communities. Would it not make the police force less fluid ?—I consider that to be a completely unpractical proposition.

222. And it will again increase your difficulties ?—Yes.

223. You would be openly setting up a minority community against the majority community ?—Yes.

224. And your business is not merely preventive but punitive. That takes me to the next point, the detection of crime. Do you expect that you would be more successful in securing the detection of crime if you enlisted in the force, or rather posted in different places, only members of the minority communities, who would be regarded as there on

purpose to keep in check the majority government ?—It would be disastrous.

225. I just want to ask you two more questions. I am now dealing with the next point, the question about the punitive action, the detection of crime. What percentage of crime in your Presidency is brought to book ?—I am afraid I have not got statistics.

226. It is a very small percentage all over India ?—Yes.

227. That is to say that the bulk of the crime goes unpunished ?—A good deal of reported crime goes unpunished.

228. I am speaking of that, of course. Now would you suggest any improvement in the administration of the police either in the detection or in the trial of cases, that would bring a larger number of criminals to justice ?—Yes, we want money ; that is all we want.

229. What you really want is to improve the efficiency of the police ?—Yes.

230. And for that purpose you want more C.I.D. officers ?—We want more money : we want to train our men better ; and above all we want to cut out the law's delays, as far as possible.

231. Supposing we gave you more money, how would you act ?—We have got several schemes only awaiting funds—a detective training school, increased numbers. We have been greatly handicapped in producing good results by our men being diverted from their ordinary functions and put on to duties which have no concern whatever with the prevention and detection of crime.

232. For instance ?—Political agitation, for one. Communal unrest entirely paralyses the investigation of crime. In a place like Ahmedabad we have something like 150 men employed on traffic duty, when the allocation statement does not include a single man for that duty.

233. Your point of view is that the growth of communalism in the country is the canker worm of civil and political life in this country ; it is destroying efficiency, it is making one set of people fight against the other, and increases your task and your burden ?—Yes.

234. That is your point ?—Yes.

235. You say you would not allow law and order to be placed in charge of an Indian Minister ?—Yes.

236. I suppose you have no objection to law and order being placed in charge of an Indian Member ?—No.

237. As a matter of fact you have got in your Presidency law and order in charge of an Indian Member ?—No.

238. Has your Home Member never been an Indian ?—Never to my knowledge.

239. At any rate there have been such cases. There are cases where law and order has been entrusted to an Indian Member, for instance, in Madras, the United Provinces and the Central Provinces ?—Yes.

240. With the experience you have of working under an Indian Member you have no objection to law and order being administered by an Indian Member ?—I should like to make it perfectly clear that my objection is not to the Indian, but to his being dependent upon popular vote. That is the difference. It is not anything racial, and I should like to make this point very clear.

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242. May I draw your attention to a statement in the Muddiman Report ? It is stated there on page 10 : " On the transferred side the experience " gained has not been sufficient to afford confirmation " of any feeling that deterioration has taken place." That is to say, in common language, that so far as the transferred side is concerned, there is no evidence that the Ministers have not acquitted themselves well. Now supposing that this view equally applies to the Indian Ministers in charge of law and order, then would you have any objection whatever to placing law and order in charge of the Indian Ministers ? Supposing they do as well in the reserved field as they have done in the transferred field, then would you have any objection to placing law and order in charge of the Indian Minister ?—I shall have no objection in the reserved field.

243. You would have no objection to the Indian Ministers administering the reserved subjects if they do as well as they have done in the transferred field ?—If they are reserved, I have no objection.

244. I do not wish to raise the general question with regard to the separation of the executive and judicial functions. But one question I wish to ask and that is, is there any popular feeling against the District Magistrate being the head of the Police ?—There is.

245. As a matter of fact, do you see any reason why the District Superintendent of Police should be regarded as an Assistant to the District Magistrate ?—You cannot help it.

246. Would you not trust the District Superintendent to work on his own initiative ?—But I do think it is necessary to have one head of the unit whatever it may be.

247. Supposing we have the Superintendent of Police as the head of the unit, would you have any objection ?—Personally I have no objection.

248. Nor do you see any objection to it ?—He will have to have very much increased powers. You will have to give him more powers, taking away some of them from the District Magistrate, and he would in effect be the District Magistrate.

249. Supposing we give the head of the Police the powers which are at present possessed by the District Magistrate and make him the head of the unit so far as the preservation of law and order and detection of crime are concerned, that would be quite satisfactory ?—Yes, perfectly.

250. *Sir Arthur Froom* : My colleague, Sir Hari Singh Gour, referred to the Muddiman Committee Report. Is it your recollection that the Muddiman Committee recommended that law and order should not be transferred ?—Yes.

The Chairman : Sir Hari Singh Gour seems to be under a misapprehension. The portion of the report from which he has quoted gives a summary of the views of the various Governments put forward before the Committee. They were not the pronouncements of the Muddiman Committee at all and the particular sentence he has read out does not even represent the views of the Bombay Government. Paragraph 15 on page 10 from which he has read is the " Continuation of the views of the Punjab Government," and is a continuation of paragraph 14 which is the beginning of the summary of the views of the Punjab Government. Whatever may be the right view, it cannot be said that the sentence he has read represents any part of the views of the Muddiman Committee. It is a misapprehension.

251. *Sir Arthur Froom* : I think the police department publishes its administration report ?—Yes.

252. My recollection is that it gives accounts of the actions of the police officers ?—Yes.

253. Of the Indian police officers also ?—Yes.

254. It states that they have been rewarded for their gallantry, and rightly so. But what I am trying to get at is this. In your force the Indian officers, inspectors, etc., could be regarded as a very gallant band ?—Yes, undoubtedly.

255. They exhibit conspicuous gallantry in cases of dacoity and so forth ?—That is so.

256. I suppose promotion cannot be guaranteed on gallantry alone but administrative capacity also is taken into consideration ?—Yes.

257. A man may be a gallant fellow and yet he may not have such administrative qualities as other members of the force ?—Yes.

258. Do you consider the present Bombay police as a whole to be as efficient as it was ten or fifteen or twenty years ago ?—I think the efficiency is greater but the effect is less.

259. You gave an answer to Sir Hari Singh Gour

on a question which I also intended to put, with regard to the transfer of law and order, and you gave us your opinion. May I ask you whether there is a general feeling in the police force which coincides with your opinion ?—Yes, a very strong opinion throughout the force.

260. In all the executive ranks ?—Certainly.

261. I suppose you have got the C.I.D. in the Bombay Presidency ?—Yes, one in Karachi which deals with Sind, one in Bombay confined to cases in the Bombay City, and another in Poona which administers the rest of the Presidency.

262. Is there any sort of Imperial C.I.D. force ?—Yes ; it is not a C.I.D. but it is a bureau collecting and disseminating opinion.

263. Would you consider that this Imperial bureau of the C.I.D. is another reason for not transferring law and order ?—It might bear slightly on the point. You could not transfer that.

264. You could not transfer that and you will have to divide the police force ?—It is an added difficulty.

265. *Dr. Suhrawardy* : Is it not a fact that the period of reforms, 1920–28, roughly corresponds with the period when the gentle apostles of non-violence and the fiery preachers of the Khilafat were going about the country preaching their doctrines, I mean the non-co-operation movement ?—Yes, it coincided.

266. You said in reply to Dr. Gour that one of the causes of the intensification of communal tension is the illusion of the political leaders of the Hindu and Muslim communities ?—Yes.

267. May I take it that you mean that the intensification of communal tension is due to the reaction which has followed that illusion ?—I think it is a contributory cause.

268. You have in my opinion rightly stated that the temples and mosques and processions existed prior to the Montagu-Chelmsford reforms. May I mention one other factor, namely, Bakr-Id, the annual sacrifice during Bakr-Id ? May I ask you if there were communal riots due to music before mosques or Bakr-Id prior to the introduction of the Montagu-Chelmsford reforms in this Presidency ?—There must have been. I cannot recollect any ; it is ten years ago.

269. May I take it that you do not attribute the scramble for appointments due to the Indianisation of services and communal representation as the main cause for the increase of communal tension ?—No ; I have never thought that.

270. If I am not mistaken, you said in reply to Lord Burnham that the communal prejudice against the District Magistrate is not so great as against police officials ?—I do not remember having said that.

271. I thought that you said something to that effect ?—I said that I think we are fortunate in that that we have not had any disorder at a place where we had an Indian Magistrate and an Indian D.S.P.

272. Is it not a fact that in your presidency there are Indian Hindu magistrates and Muhammadan accused in criminal cases and vice versa where applications are made for the transfer of the case under section 526 of the Criminal Procedure Code on the ground that the accused have reasonable apprehension that they will not have fair trial ?—There have been cases ; but I cannot speak from personal experience.

The Chairman : I do not quite understand what is the nature of the apprehension in such cases as a rule.

Dr. Suhrawardy : The apprehension is the lack of confidence ; it is the communal bias.

The Chairman : Does it mean lack of confidence in the magistrate ?

Dr. Suhrawardy : Yes.

The Chairman : Is it a ground for the transfer of the case that there is a lack of confidence in the District Magistrate of the district where the troubles take place ?

Dr. Suhrawardy : It is so.

273. You said that the charges of corruption against the police are not on the increase, and if I am not mistaken you said that corruption implies two persons, the giver and the receiver ?—Yes.

274. Is the decline due to the growth of public opinion or to the rise in the police morality, or both ? —It is both, I should say.

275. *Rao Bahadur Rajah* : You are an experienced police officer. You said that you as a police officer would look to efficiency first ?—My primary object would be to see to efficiency.

276. I suppose you know that the members of the depressed classes have proved themselves as very good soldiers in the army ?—Yes.

277. Therefore it naturally follows that if they are appointed as policemen they would be an efficient police force ?—It does not follow at all. It is a different type of duty entirely.

278. You said that in cases of emergency you requisition military force, and I suppose that in the military force there are both members of the depressed classes and caste men ?—I dare say, yes.

279. And you do not requisition the services of the caste men alone during the riots ?—That consideration has never arisen. The consideration of untouchability does not exist. There is nothing in the nature of house-to-house search in such cases.

280. So in such cases where there is need for house-to-house search you do not requisition their services ?—It is a possible source of complaint.

281. You know the Queen's Proclamation states that no subject of Her Majesty shall by reason of colour or caste or creed be debarred from any post to which he is entitled by his ability, honesty and integrity to aspire ?—Efficiency depends very largely upon the degree to which the people of the other castes would allow him to be efficient.

282. I should like to know whether when a man proves himself to be a good solider, he cannot prove himself as a good policeman also ?—You cannot compare them, because the two duties are so different.

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288. Do you think, Mr. Griffith, that the present proportion of European and Indian officers in the higher grades if disturbed would affect the efficiency of the police ?—Not if it is done gradually and as we get suitable material.

289. Can you please tell me if in your Presidency you take people from other provinces into your department ? That is, do you recruit people from other provinces ?—Yes.

290. Mostly from what province ?—Mostly from our own province and we get some from the United Provinces and some from the Punjab. There are a number of sub-inspectors in Sind coming from the Punjab. An officer has got to be resident in Bombay for three years before he is eligible for service.

291. Do you think you can effectively protect the minorities in times of disturbance, especially in isolated places ?—It is very difficult.

292. But it is your duty to protect them. What means do you suggest for protecting them ?—I thought you meant protection to individuals. I was thinking, for instance, of picketing in labour unrest. That is a very difficult thing to deal with ; it is a case in point.

293. Do you think that within your experience you have come across cases in which the minorities are absolutely at the mercy of the majority community ? —They are to a very great extent, certainly.

294. Does the police force have a large proportion of educated men ?—I forget what the proportion is.

295. There are some educated constables ?—Yes. We take no one who is not educated to a certain extent, say, the fourth standard.

296. *Sardar Shivdev Singh Uberoi* : I would invite your attention to page 240 of the memorandum submitted by the Government of Bombay.* It refers to the Indianisation of the police service. It is stated there : " The Lee Commission recommended that

* Vol. VII.

" for every 100 recruits 50 should be Europeans, " 30 should be Indians directly recruited, and the " remaining 20 should be recruited by promotion " from the provincial service. They anticipated that " a cadre of 50–50 would be reached in about twenty- " five years." What you have said just now is this, that five men who are holding charge as D.S.P.'s in your Presidency have been promoted from the Provincial Service ?—Yes.

297. Only five men have been promoted from the Provincial Service to the Indian Police Service ?—There have been more than five promoted ; there are five in the service now.

298. I would like to invite your attention to page 246 of the Memorandum,* Appendix B. It shows that in the year 1921 there were 74 Europeans and three Indians in the Indian Police Service in this Presidency ?—Yes.

299. And it shows also that in the year 1928 there are 68 Europeans and eight Indians in that service ?—Yes.

300. This shows that an increase of five in the Indian cadre of the Police Service has been made during the last eight years ?—Yes.

301. This means that if 76 is to be taken as the total strength of the Indian Police Service in your Presidency, half of it is 38, and 38 posts should go to the Indians and 38 should remain with the Europeans according to the recommendations of the Lee Commission ?—Yes.

302. And that number 38 should be arrived at perhaps in 40 years time instead of 25 years ?—There is one factor which should strongly affect that, and that is we have got to increase the number of listed posts from 5 to 9, and that cannot be done until the vested interests of the officers already in the service have been satisfied.

303. Does it mean that sufficient number of vacancies have not fallen during this period ?—They have got to take into consideration those already in the service.

304. But not all of them according to the Lee Commission's report, but only twenty ?—Yes. When an Englishman joins the service he has so many posts open to him for promotion, and it would obviously be unfair to reduce that number.

305. What I want to know from you is this. The addition of five posts in the Indian cadre of the Police Service has been made during the past eight years, has it not ?—Yes.

306. This would mean that if half the number of the total strength, namely 38, is to be filled by the Indians, it cannot be done in less than forty years according to this rate ?—Yes. But they never keep to these statistics. These statistics are always fallacious.

The statement shows that during the last three years there has not been any increase in the Indian portion of the service.

307. *The Chairman* : Am I right in thinking that that is the portion of the Indian Police Service which is what is called All-India Police Service, people who have employment through the Secretary of State ?—Yes.

308. What I want to know as a matter of fact is, in addition to that, are there also other police officers in your Presidency ?—Yes, sub-divisional officers.

309. The total in Appendix B would be the people down to the District Superintendents ?—Down to Assistant Superintendents.

310. And the people you refer to who are recruited as All-India officers would only be holding subordinate service ?—Parallel to the A.S.P.'s.

311. The same sort of difference as there is between a Deputy-Collector and Assistant Collector ?—Exactly.

312. Then, in order to carry out the recommendations of the Lee Commission, you will have to increase the pace, that is the Sardar Sahib's point, at which during the next ten or fifteen years the Indian officers succeed to the posts now held by English officers ?—There is one remark which is germane to this point. In connection with recruitment this year I wrote and asked for one Indian and one European Assistant Superintendent, and the Government of Bombay accepted that figure as keeping up the correct proportion ; but the Government of India are giving us two Europeans on the ground that the percentage should not be regarded as on provincial basis, but on all-India basis.

313. That, I gather, means that you may have in ten or fifteen years' time more than the average percentage in some of the provinces ?—Yes.

314. And less than the average percentage in others ?—Yes.

The Chairman : If that is so, do you not think that perhaps we had better discuss this matter with the Government of India ? I should like to know how they are dealing with this. It rather looks as though their view was since the Lee Commission was making recommendations to the whole of India there is a duty on them to consider how the distribution takes place between province and province.

315. *Sardar Shivdev Singh Uberoi* : Mr. Griffith, you said just now that when recruiting people from outside the province to the Police Service you put in a qualification of three years' residence in this province. I want to know whether your Government have issued any instructions with regard to communal representation in the Provincial Service ?—That is laid down.

316. Has any proportion been laid down ?—It is laid down that communal representation should be according to the advanced or retarded classes so far as is compatible with the material that offers.

317. Compatible with efficiency in the service ?—Yes. Now the whole of this is done by the Public Services Commission.

318. For the Provincial Service also ?—I understand it will be so, but it is not done as yet.

319. In future it might be entrusted to the Public Services Commission ?—I gather that is the position.

320. *Raja Nawab Ali Khan* : You object to law and order being transferred ?—Yes.

321. Is that your apprehension or is it the result of your experience ?—Experience has not been tried yet ; but it is an apprehension.

Afternoon.

Mr. G. WILES, C.I.E., I.C.S., Secretary to the Government of Bombay, Finance Department.†

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Sir Hari Singh Gour : Will you please turn to pages 620–624 of Part I of the Bombay Government's Memorandum,* and turn to the heads Education, Medical Public Health and Agriculture ? These are the principal nation-building departments.

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3. * * * The point I make, Mr. Wiles, is this. Of course, you have not given us the increase of expenditure per capita in your book, but I take it roughly that, that being the increase under the four heads in question, you are not badly off compared with the other provinces, and particularly when compared with Bengal, which is a large income-tax paying country. On Education you spend 80 where Bengal spends 42, and so on ?—I admit that Bengal is probably as badly off as we are ourselves.

4. You are comparing yourself with Madras, which has had a large accession of land revenue ; but Madras is not very much better off than you are ; there is a difference of only 15 lakhs under Education,

* Vol. VII. † See also page 25.

and if you combine Medical and Public Health there is a difference there of 41 lakhs for Bombay as against 53 for Madras. You see, therefore, that if you compare yourself with Madras you are not much worse off, and if you compare yourself with Bengal you are very much better off ?—The comparison I should prefer to make is the one we have drawn in our own Memorandum, which shows the progress made since the Reforms.

5. I have particularly mentioned this for this reason. 1919–20 was the year immediately preceding the Reforms, and 1920–21 is the post-Reform budget ? —No, the first Reforms budget was 1921–22.

Sir Hari Singh Gour: Even if you take 1921 it would make very little difference, if you look at your statistics.

The Chairman: It makes a good deal of difference so far as the Bombay figure for Education is concerned.

6. *Sir Hari Singh Gour*: There was a great jump ? —Before the Reforms came in, Bombay had already spent on Education an additional 65 lakhs in the last two years of the pre-Reform era. That makes a very considerable difference.

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8. *Sir Hari Singh Gour*: I also want you to check these figures in the light of the expenditure per capita and the expenditure per hundred square miles (pages 626 and 627 of Memorandum, Part I*). I simply want to point out this, that you are not so badly off as compared with the other provinces as regards expenditure on nation-building departments, if you take into consideration these figures which I have given you ?—It has often been said it is possible to prove almost anything from figures, if you take convenient figures.

9. But if you accept the figures ?—I accept them as accurate because they are taken from our own statement, but I prefer to take different years, which give different results.

10. Slightly different, but not materially different ? —In paragraph 530 of our Memorandum* (page 599) we take the first year and the last year available of the post-Reform years. We thought that was a more appropriate comparison. I do not want to lay too great stress on the benefits which other people have derived, but rather on the fact that we have not made such progress as we expected and thought we were entitled to make.

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13. * * * The question I wish to put to you is this. Assuming for the sake of argument that so far as expenditure on the nation-building departments and on the progressive development of these departments is concerned, you are in line with the rest of the provinces, you say you want more money for the nation-building departments. Now, what is your future programme as regards the nation-building departments for which you want more money ?—I think I said yesterday that we were up against complete stagnation in certain departments. Ministers were asking for money which we could not provide. I think I quoted education, agriculture and medical relief as being three instances in which we did not see our way to provide for the obligations which we were undertaking. There is a big medical programme being started in Bombay City which is going to lead to a good many lakhs of recurring expenditure. There is a Primary Education Bill which will want a great many lakhs, and we have, as you know, the Report of the Agricultural Commission, on which we shall also wish to spend money.

14. These are the three heads ?—There may be other activities which the Ministers would like to stress, but those are the three which occur to me at the moment.

15. We will examine these three. What is your medical programme ? Can you tell the Conference more in detail about that ?—You may remember that when Sir Leslie Wilson became Governor he started a campaign in Bombay for increasing medical relief in the Bombay City. He promised a rupee for every rupee collected by the public. We also embarked on a programme of building hospitals in Bombay which is now undergoing completion. The recurring expenditure on account of this, putting a rupee to every rupee raised by the public, and the recurring expenditure on the upkeep of the hospitals which we are building ourselves, amounts to a very considerable figure.

16. I suppose you would agree with me that is not a purely Presidency question ? The increase of medical facilities for the cure of disease is an All-India question, and not one peculiar to this Presidency ?—That is so.

17. Consequently what you really wish to do is to modernise your institutions and go ahead of the rest of India if you have the money ?—Yes.

18. As regards the question of primary compulsory education, the question of the education of the masses is also an All-India question ?—Undoubtedly.

19. As regards your agricultural programme, what is the precise form in which you want to spend money on agriculture ?—That I am not able to say.

20. I therefore take it there is nothing specially provincial in the added expenditure you would undertake if you had more money ? It is not for special local requirements, not common to the rest of India, that more money is necessary ?—No, I have never claimed that they were peculiar to this province.

21. In the Bombay Chamber of Commerce memorial, paragraph 16, there is a statement which says : "Another argument in favour of removing excise on "liquor from the provincial sphere is to be found "in the fact that the Bombay Government had "accepted total prohibition as the ultimate goal of their excise policy." You have accepted prohibition ; you want to go dry. Have you consulted other provinces as to whether they are prepared to come into line with you, or is this an isolated action which your Government proposes to take ?—I am not able to answer that. As far as I know we have not consulted any other provinces.

22. You recognise the impossibility of your Presidency going dry when your neighbouring provinces are wet ; you would have to erect your tariff walls and establish a cordon to prevent smuggling and the importation of liquor and things of that kind. The question of whether India is to go dry or remain wet is an All-India question, and cannot be taken up by any particular province ?—That is my personal opinion.

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24. *Sir Hari Singh Gour*: * * * The possibility of compensating the central revenue is indicated in the direction of a tobacco tax, a tax on agricultural incomes, and death duties ?—I would not put it that way. We have referred to the taxes which the Taxation Enquiry Committee pointed out had not yet been levied, but we do not suggest they should be levied ; the only taxes we have suggested should be levied are the excise duty on tobacco and the death duties.

25. Very well ; I shall therefore confine myself to the tobacco tax and death duties. You want the levy of a small duty on indigenous tobacco, manufactured and unmanufactured—an excise duty ?— The exact form in which the tobacco tax should be levied, I think, is a matter with which we are not really concerned now. I am not able to argue very much about the tobacco tax, because it is a small tax so far as Bombay Presidency is concerned ; but it was very strongly recommended by the Todhunter Committee.

26. You are not in a position to say the tobacco tax levied in Bombay will materially increase its resources ?—That is my impression.

27. Therefore so far as the Bombay Government

* Vol. VII.

is concerned the levy of a tobacco tax may not be of benefit to it ? It may be to the United Provinces and Madras where tobacco is grown, and who will want a large part of it for themselves ?—This is not suggested as a provincial tax, but if it becomes an All-India tax the Government of India could use it to reduce their deficit.

28. It is a small tax ?—It might be a very large thing as a central tax.

29. *The Chairman* : Let me see if I understand it right, for if I do I think Sir Hari Singh Gour will agree. I understand this part of your financial proposals is constructed on this plan : you first of all point out the reason why, as you think, the Bombay Government at present is not getting sufficient financial resources. You suggest you should get a fraction of the income-tax of Imperial India, but you recognise, like a sensible man, that if you get that and it is taken from the Centre something will have to be done to make up the deficit of the Government of India. Then I understand you point out there are one or two possible ways in which that might be done, and you mention the tobacco duty as a possible way ?—That is exactly the point.

30. You do not propose a tobacco duty to raise revenue for Bombay, but if Bombay gets a fraction of the income-tax it has to be taken from somebody else, namely, the Government of India. * * *

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Sir Hari Singh Gour : The question I wish to ask is this. If we compare the receipts from customs, income-tax and super-tax, we find, that during the last years the customs has increased from 17 to 50 crores.

Sir Arthur Froom : How many years ?

34. *Sir Hari Singh Gour* : Ten years. Income-tax from 8 to 12, super-tax from 3 to 4. The question I wish to put to you is this. You are aware of the fact that this sudden increase in the income-tax and the customs was due to the annually recurring deficits in the central revenue after the war, and in consequence of these repeated deficits additional emergency legislation had to be resorted to for the purpose of increasing the customs duty ?—I am not acquainted with the details of the increase of customs duty. I would rather not answer that question.

35. Can you be quite sure that these sudden increases in the customs and income-tax duties would not be revised and reduced so as to bring them into the normal state as it existed before the war, in which case, instead of there being a surplus for the provinces to make a raid upon, there would be again a deficit in the central revenue ?—I do not observe any sudden increase in the revenue from income-tax. It seems to me to have gone up steadily ; in fact, it has come down in the last few years.

36. Shall we begin with customs ?—In the case of customs, I admit there has been a vast increase, and I am prepared to admit, as Sir Arthur Froom told us yesterday, that the Government of India will probably have to reduce the rates to some extent.

37. If they reduced those rates, would there be any room for—— ?—I am quite unable to tell you what part of the increase is due to normal increase of trade, and what part of it is due to the increase in the rates. I should like that to be worked out before I could answer such a question as you have just put.

38. Consequently, you are not in a position to state that the Central revenue is able to bear the additional cost that will be thrown upon them if in a resettlement Bombay and the other provinces receive more than their proper share—what they receive now ?—We have not asked for more than our proper share. We have given our opinion that the normal growth of customs revenue, based on the figures which you have been good enough to quote just now, will help to reduce the deficit in future years. Apart from any small reductions——

39. Provided these rates are standardised ?—Even providing for certain reductions where certain trades may be hit, we are still of opinion that the normal growth of customs will increase the revenue from customs duties.

40. The Taxation Committee say, in paragraph 41, on page 450, " Some of the duties that are not pro- " tective in intention are protective in operation." That is in the Summary of the Committee's Conclusions ?—Yes.

41. Consequently the duties that are protective in operation will certainly have to be revised unless we are prepared to protect them for the sake of protection and on the recommendation of the Tariff Board ?—That is a question of policy on which I am not prepared to give an opinion.

42. Would you please tell me what is the real percentage of land revenue which your province received and receives as compared with the other provinces ?—I do not understand the question.

43. The percentage of land revenue to total revenue ?—Speaking from memory, our total revenue is a little over 14 crores, and our land revenue is a little under 5 crores. It is about 30 per cent.

44. Shall we say about one-third ?—Nearly one-third, not quite.

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48. *Dr. Ambedkar* : In your proposal that you should get a certain part of the income-tax, are you very particular that the different provinces should get the same share in the income-tax, or are you merely using the income-tax as a balancing factor, so that different provinces may get a different share ? Are you very particular in the scheme you recommended that every province must get the same share of the income-tax ?—I do not think that is an essential part of it.

49. You are using it merely as a balancing force ? —I do not know quite what you mean by that.

50. I mean in the recommendation part of it ?— You mean when we recommend that all other provinces should get it, it is a balancing factor as far as they are concerned ?

51. Some other provinces might find a better balancing force than income-tax. I mean, you are not particular that the thing should be uniform all round ? That is what I am asking. Is uniformity an essential part of your scheme ?—No, I do not think it is, though as a scheme of taxation I should be in favour of uniformity.

52. But is it not an essential part of your scheme ? —No.

53. Some other source of revenue might suit some other province better as a balancing force ?—Assuming that the division of income-tax were going to be made by means of a rate, I do not think it is essential that the rate should be the same in every province.

54. Then do not you think that the Bombay Presidency is entitled to claim something from the Government of India for the inequities of the Meston Settlement ? I will give you one instance. Take for instance, the interest charges. We are paying our interest charges at present out of loans. We cannot pay them out of our revenues ; that is so, is it not ?—That is not the reason we are not paying them. That is the fact, but the reasons are different.

55. I put it to you that if the estimates made by the Meston Committee had come true, we should have been able to pay interest out of our revenues ? —I do not think that is altogether relevant. The reason why we are making no attempt in certain instances to pay interest from revenue is that the circumstances are altogether peculiar. We expect, within a reasonable period, to get back capital receipts which will pay off the capital borrowed, together with interest, without the interest payments becoming a burden on the province at all. Those circumstances are rather peculiar, and I think they would justify us in any circumstances in borrowing the interest. For instance, I will give you the instance of the Sukkur Barrage.

56. My point is this. If the estimates made by

the Meston Settlement had been realised, you would probably have paid the interest without borrowing ?—Possibly, as an economy, yes.

57. And you are obliged to borrow the amount of the interest payments because the Meston estimates have gone wrong ?—You may put it like that if you like.

58. And from that point of view I think the Bombay Presidency would be perfectly justified in claiming some sort of a set-off from the loans that have been made to us by the Government of India ?—I think you would be in a position to make out a very strong case.

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Mr. J. W. SMYTH, I.C.S., Secretary to the Government of Bombay, Revenue Department, and Mr. H. L. NEWMAN, I.F.S., Conservator of Forests.

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61. *The Chairman* : I think you are now Revenue Secretary, are you not ?—That is so.

62. You, Mr. Newman, are in the Forest Service, that is, the Imperial Forest Service. You are an All-India officer ?—*Mr. Newman* : Yes.

63. You are not recruited for the province ; you are recruited for the Indian Service ?—Yes.

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65. Have you been Chief Conservator of Forests since, I think it was, February of this year ?—Yes.

66. So you are in charge now, but you have been in the Forest Service for a number of years ?—Yes.

67. Has all your forest service been in the Bombay Presidency ?—Yes, entirely.

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Lord Strathcona : We see in the Bombay book,* page 363, first of all the statement that " The subject "of ' Forests ' was transferred to the control of " Ministers under the Reforms, this being the only " province in which the subject was transferred." I believe it was transferred in Burma as well ?

The Chairman : Afterwards.

68. *Lord Strathcona* : Afterwards, sir, yes. Could you let us know why, in your opinion, it was only transferred in those two provinces ?—No, I cannot say. It was purely an experiment, and how Bombay came to be chosen I do not know.

69. You will probably be aware that the Muddiman Committee recommended the transfer of forests in all the provinces, if the Government of those provinces concurred ?—Yes.

70. Has your experience in Bombay justified this transfer ?—It is a very difficult question to answer. I suppose you mean whether it has been successful ?

71. Has the forest service proceeded just as successfully with the transferred services as it did before the Reforms ?—On the whole, I think, yes ; but that is due to the fact, I think, that at present the service still contains a pretty large element of Europeans.

72. Yes, I am coming to that later. Now as to the administration. Could you just give us a few details to give us a very small picture of roughly the number of forest officers, and the organisation ? Could you tell us roughly how many forest officers there are, and who their subordinates are ?—Now ?

73. Yes.—Yes. To begin with, the Chief Conservator is the head, and the province is divided up so far as forests are concerned into four circles, one of which is Sind, and there are three in the Presidency proper, and those circles are again sub-divided into a number of divisions, which are held in the charge of officers who are termed divisional forest officers, and those divisions are again sub-divided into a number of ranges under forest officers known as rangers, and below the ranges there are further sub-divisions into what are known as rounds and beats, the beat being the ultimate, the smallest, sub-division in the whole presidency.

74. Is the divisional forest officer usually a European still ?—Well, he has been, but it is not correct now to say he is usually : it is about half and half now.

75. And the rangers, what are they ?—The rangers are all Indians.

76. And going down, I suppose they are all Indians ?—All Indians.

77. Coming to the question of Indianisation, the Lee Commission, as you know, recommended that there should be no further recruitment on an All-India basis in the transferred services. In your opinion, has this in any way affected the efficiency of the Forest Service ?—Well, if you want a candid opinion, yes, I think it has ; or, rather I should say that it is likely to, because it has not yet proceeded far enough.

78. You say that so far Indianisation has not proceeded far enough to affect the efficiency ?—No.

79. But you are a little bit apprehensive ?—I do not think any serious effect is noticeable, anyhow at present.

80. Would you care to tell us why you are apprehensive of the future ?—Because, for one thing, the average Indian is not at all suited to forest conditions, and forest life. He does not like it. He would much rather go into some sedentary occupation, and that is admitted in practice by Indians themselves. You can see it in practice.

81. Is it difficult to get Indian recruits ?—I should not like to say it is difficult, but it is difficult to get the right type.

82. * * * Do the relations between the populations in the different forest regions and the Forest Service continue to be fairly good ? I ask that question because on page 364* the middle paragraph refers to some grievances which were brought out in the year 1925, and I wondered whether you could tell us anything about that at the present time. First of all, do you consider the relations with the population in forest regions continue good ?—Well, they might be better, but I should not describe them as bad, anyhow. The department is unpopular, of course. Forest work has always been unpopular with the public in this country.

83. Why ?—Because the public have the idea ingrained in them that any restriction on enjoyment of the forest is a curtailment of their rights—their immemorial rights.

84. Is that a question of grazing, and so forth, which was taken away by the Forest Department ?—Yes, there are restrictions of various kinds, which are indispensable in the interests of forest conservancy.

85. Will you state briefly what the other grievances referred to in paragraph 364 were ?—They have reference to certain restrictions as to rights of cutting and lopping, and more especially grazing. For the demands made, conceded and refused, I suggest reference to Bombay Government's orders conveyed in their Resolution No. 7324-24 dated 19th July, 1927.

86. Are there any districts in this Presidency in which forest panchayats have been constituted as found in Madras ?—Yes, but nothing has been done on a scale approaching that of Madras, in Bombay. As a matter of fact, I had a case only yesterday which came up to me where a certain forest had been placed in the hands of a panchayat some years ago and the Collector of the district and the Divisional Forest Officer both reported to the effect that the management by this panchayat was bad and that it must be taken back again ; and it has been taken back by Government.

87. And on the whole will you say that forest

* Vol. VII.

panchayats are not working very well ?—I am very doubtful about their success. So far as I know in Madras the case was that they had a very large forest establishment and they had certain forest districts in which the forests were less important financially and could not have justified the heavy expenditure on their account, and, therefore, they handed over those forests to village, or panchayat management in order to get rid of their burden of expenditure. I do not think they are prepared themselves yet to say that they are successful. I am very doubtful of it in this presidency because there is not sufficient education of public opinion to ensure the safety of lands entrusted to a charge of that kind.

88. Is there any reason to suppose that owing to financial stringency or any other cause the forest resources in this presidency are not being exploited to the fullest extent ?—I do not think so. I think the forest resources are being developed to the utmost. The money is provided by the Legislative Council from year to year.

89. Could you do anything more if you got more money ?—Not at the moment. We are not being starved of funds. On the whole, we are being very well treated in that way.

90. Is there any question of excessive exploitation of the forests which might in the future years to come prove disastrous ?—That is not the case at all. On the contrary, there are certain undeveloped forests, in Surat district and part of Nasik district where we have in the course of a few recent years been making a lot of money from forests which had previously been inaccessible.

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92. If you look at the bottom of page 363 of the Memorandum* you will find that under transferred administration Forest has done very well. In 1921 receipts from forests amounted to 68 lakhs and the expenditure was 53 lakhs, giving a surplus of 15 lakhs. In the year 1926-27 receipts amounted to 76 lakhs and the expenditure was 41 lakhs, leaving a surplus of 35 lakhs. I assume that these figures have been given as fairly illustrating the increase in profits from the forest ?—Yes.

93. That is under the transferred administration ? —Yes.

94. And you say it has not been done by excessive exploitation by cutting more ?—No ; it has been done by the initiative of the Chief Conservator and the officers working under him.

95. It is stated here that :—" This result has been " due both to the vigour and determination with " which economy has been practised in the department " and to greater initiative in the actual administration " which has led to more judicious expenditure and " better returns." Has there been the same Minister during the greater part of the time, or was there a change ? I do not care to know about the name.—There was a change, sir.

96. But during the whole of that time the Forest had been in charge of a Minister ?—Yes.

97. And he was being advised, no doubt, by his officials ?—The suggestion is made in more than one place that the whole of the credit for this financial success is due to nothing more than the fact that we have Ministers. That is not the case. We have had splendid support from the Ministers, but the responsibility lies with the department.

98. But the deduction which I would be disposed to draw is that at any rate the transferring of the department has not interfered with its success or its economic advance ?—No ; it has not resulted in any set back in that respect financially.

99. I am not quite clear whether the anxieties which you expressed as to the future have anything to do with its being a transferred subject, or whether your anxieties are on the subject of Indianisation ?—They are much more so on the point of Indianisation.

100. Of course in the other departments I think you will tell me, Mr. Smyth, that when a department becomes transferred, the future recruiting of the department has been provincial recruiting ?—(*Mr. Smyth*) : I believe, sir, it is.

101. And what about the Imperial recruitment ?—Recruiting is done by the Local Government on terms and conditions drawn up by itself, and the European officer selected will be under the control of the Local Government, and he would not have the same amount of protection which an Imperial officer appointed by the Secretary of State would have.

102. I had thought that in other departments, when a department became transferred, the future recruiting is provincial recruiting ?—Yes, it will be done by the Provincial Government.

103. I had further thought that where the recruiting is for provincial purposes, it would for all practical purposes be Indian recruiting ?—So far very little recruiting has been done, but it may be assumed that that will be the case.

104. I gather that Mr. Newman's anxiety is merely an anxiety as to the effect of increasing Indianisation ? —That is what he said.

(*Witness : Mr. Newman*) : I am afraid that recruitment now so far as Europeans are concerned is absolutely dead. I do not see the slightest hope that any European, even if offered a chance of coming to the Presidency where Forest is a transferred subject, will ever come, because the terms offered to him and the conditions of service are not sufficiently attractive generally.

105. So, that is the real reason why you feel apprehensive about the future. It does not seem to have anything to do with the transfer of the department as such ?—No.

106. *Mr. Cadogan* : Mr. Newman, would it be fair to say that in your department any of the posts are highly specialised requiring a long period of training and that Indians occupying those places have not had such training ? Would you be prepared to say that ? In other words are there Indians occupying posts in your department who have not had sufficient training ?—Yes, there are some.

107. What I am driving at is whether Indianisation has affected efficiency ?—Among Indians whom we have got now, who are in the Imperial Forest Service are men who have been promoted from the ranks of the Provincial Forest Service. As a general rule they have given complete satisfaction. They have been associated with European officers throughout their service. It is too early yet to pronounce an opinion on our directly recruited Indian officers as they are very junior.

108. Are there a number of Indians holding posts in your department who have not had sufficient training of a highly specialised type ?—Yes, there are.

109. My question is—is it fair to judge that efficiency is affected by Indianisation ?—It depends upon the extent to which Indianisation is carried.

110. *Lord Burnham* : Is it the case that service under the Forest Department has a special attraction for a good class of Europeans ?—Most distinctly.

111. Why ?—It is the kind of life that appeals to Europeans.

112. Is it equally the case so far as your observation goes that the same reasons do not actuate a similar class of Indian candidates ?—That is my experience up till now.

113. Therefore, without any reflection whatsoever on racial grounds, you think that for quite another reason you are likely to get a better class of Europeans ? Yes.

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116. *Colonel Lane-Fox* : Would you refer to the Memorandum,* page 364. In the middle paragraph you will find it stated :—" The administration of the " Forests owing to its having become a transferred " subject has naturally attracted a certain amount of " attention in the Legislative Council, and at various " times resolutions have been proposed by non-" official members which, if adopted, would have had

* Vol. VII.

" a disastrous effect on forest administration, and " in particular on forest conservancy." In what direction will they be ?—Well, we had an instance of that lately. As a matter of fact, Forests, as you know probably, in this country are very much subject to fire and the fire is repeated from year to year over a large extent of the country. The ultimate effect is very disastrous. So the Bombay Government have hitherto reserved in their hands a weapon known as communal punishment for dealing with fire offences—incendiarism. That is to say, villagers are held collectively responsible. But under political pressure about a year ago the Bombay Government suspended those orders and the result was, to take one circle only in Bombay, the area which was burnt within 12 months was double the area that was burnt in the previous year—from 100 square miles it went up to 200 square miles.

117. Does this mean in fact that it would be more easy to deal with incendiarism if Forests were not a transferred subject ?—Well, it is possible when we are aware that under the pre-reform administration we had not that trouble at all because the Collectors took much interest in the matter.

Does it mean that the Council were urging that incendiarism should not be so severely dealt with ? What does this paragraph mean ?

118. *The Chairman* : I think, as a matter of fact, the witness had been led into giving an illustration which does not really relate to this paragraph. The next sentence of the paragraph runs thus :—" It is to " the credit of the Council that it has accepted the " Minister's declarations, and that in practically every " case resolutions of an unacceptable character have " been rejected." The Council, generally speaking, refused to adopt resolutions which would have gone against the Forest policy.—That is what they say.

119. Is not that right ?—It is to the credit of the Council. I would give credit where it is due. But what I say is that mistakes like that had occurred which would not have occurred had we been able to act without reference to the Council.

120. *Colonel Lane-Fox* : Is it your view that the position of Forests would have been better if it were not a transferred subject ?—It would have been much better.

121. *The Chairman* : I want to be sure about that point. It is a fact that there have been cases where members of the Council put down a resolution which if it had been adopted would have gone against the Forest policy. But the Legislative Council when it heard the arguments of the Minister in favour of the Forest policy had accepted his advice and refused to make the mistake ?—Yes.

122. Now, you also say that there were cases in which there was what you call political pressure and public opinion which caused the Government to change its plan and instead of fining a whole village it was required to try to find out who did set fire. Is it not so ?—Yes.

123. I dare say it is much simpler to fine the whole village, but after all it is better to find out who is really to blame ?—That is where the difficulty lies.

The Chairman : It may be a difficulty but we must appreciate the opposite view which may be natural and reasonable.

Lord Burnham : Since then forest fire has increased?

The Chairman : Yes.

The Witness : I am not advocating communal punishment in the administration. We are forced to do it.

The Chairman : It is a matter of administration. It does not touch our inquiry. We want to know how the thing has worked under a transferred ministry.

124. *Dr. Ambedkar* : Mr. Newman, you said just now that the Indians were not suited for forest life and therefore Indianisation was likely to affect the efficiency of the service ?—That is more or less correct.

125. Do you think that that statement will apply to all classes of Indians ?—I think it has a fairly general application.

126. Do not you think that there will be some Indians who would like forest life much better than others ?—Yes. For instance, Muhammadans like it better than Hindus.

127. If you made recruitment from such classes, I suppose Indianisation would not have affected efficiency as you predict ?—I am not concerned whether a person is of a depressed class or otherwise, provided he is an efficient man.

128. What I want to point out is that there are some classes who would be quite capable and suited to forest life and their employment, although it would have meant Indianisation, would not have affected the efficiency of the service ?—I do not think I suggested that there were none amongst Indians suitable for forest life. That is by no means the case.

129. *Khan Saheb Abdul Latif* : on page 364* it is stated : " In the year 1925, Government accepted a " resolution of the Council to appoint a committee " to inquire into certain grievances alleged against " the administration of the department." You will see that as a result Government made a number of concessions ?—No, there were certain recommendations made by the Forest Grievances Committee which were not accepted by Government in toto.

130. Which ?—I cannot call to my mind what they were at a moment's notice. There were some concessions which were not granted. For instance, a demand was made that no forest should exist within a quarter of a mile of a village. That was a demand put forward and that was negatived if I remember aright. But I cannot tell you for certain without reference to the papers.

131. *Rao Saheb Patil* : Mr. Newman, so far as your experience goes do not you think that Indian officers have done their work in the department quite satisfactorily ?—Yes, on the whole ; certainly.

132. Now my next question is—the Bombay Legislative Council appointed a Committee and is it not a fact that the non-officials were unanimous in their recommendation ?—As far as my recollection goes they were.

133. Do not you think that there were practically two important points upon which the Committee concentrated their attention, namely, grazing fees and communal punishment ?—Yes, those were the outstanding questions.

134. Then so far as communal punishment goes, did the Government accept the recommendation that communal punishment should be done away with ?—Yes, temporarily. It was only suspended.

135. But will it apply to the whole of the Presidency ?—No, only to certain districts. It was restricted to three districts by way of experiment.

136. Do you think that the Forest Department is a commercial concern so far as grazing is concerned ?—I do not see why Government should forgo revenue from grazing.

137. It is a commercial concern according to you ?—I do not think so.

138. Was it not a recommendation of the Committee that the grazing fee should be four annas per head ?—No, but that it should be reduced or even allowed free.

139. Did the Government accept that ?—No.

140. Is it not a fact that the Government said that there are other concessions which would be considered by Government later ? The Minister in charge of Forests made a declaration in the Council that for the present some concessions were given and as regards others attention would be paid to them ?—Possibly, I do not remember.

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142. *Syed Miran Muhammad Shah* : Mr. Newman, would you tell us what sort of academic qualification is required for service in the Forest Department ?—(*Mr. Newman*) : At the present moment a man must possess a Degree of some recognised university.

143. What sort of Degree ?—He must possess an

* Vol. VII.

Honours Degree in one of the Sciences to start with before he can be nominated at all. I cannot tell you the exact rules. Of course there are various rules. But that is one essential qualification at the moment.

144. That he should possess a Degree in Science or Mathematics ?—An Honours Degree such as B.Sc. or B.E. or something of that sort.

145. Is a knowledge of Botany requisite for the purpose of the Forest Service ?—Yes.

146. How many Indian Conservators have you got in the Forest Service in the presidency at present ?—Conservators we have none at present.

147. How many Sub-divisional officers ?—Do you mean Divisional Forest Officers ?

148. Yes.—About 19 of them.

149. Out of how many ?—Out of about 28. Nineteen are in charge of Divisions out of 28.

150. Have these Indians given you satisfaction in the service ?—Some have, and some have not. On the whole they have.

151. Do you think that Indians will be capable of carrying on the administration of the Forest Department ?—Some are, most certainly.

152. Is it due to their want of requisite knowledge of Forests or on account of certain other reasons that Indians are not suited ?—They lack very often physical energy. Lack of physical energy is at the bottom of it very often, and general dislike of forest conditions. It is a very arduous life indeed.

153. How many days have they to live in the forest ?—They have to spend nowadays about nine months out of the twelve in the forest. Formerly that was not so. The working is now very much more intensive. I did not spend more than six or seven months in the year when I joined the service actually out in the jungle. But nowadays they have to spend far more time in the jungle.

154. You said that Muhammadans are more suited for forest life ?—Nearly always, that is, in the lower ranks. We have only one Gazetted Muhammadan officer at present.

155. Is there any room for further exploitation in the forest field in the Presidency ?—No, not at the moment, not until more roads are built.

156. Can you give me a rough idea of the proportion of income from grazing fees ?—Yes, the grazing fees in the Presidency amount to something like five lakhs per annum, roughly.

157. Would you like the idea of transferring the forests in a particular district to the supervision of the district local boards ?—At present it does not commend itself to me. No.

158. Why do people resort to incendiarism ? Why do they set fire to forests ?—They do it deliberately really during the hot-weather months in order to raise a fresh crop of green grass. That is the chief object—to raise a fresh crop of green grass for cattle during the hot weather months. Otherwise green grass is not to be had.

159. You have got lands in one of the forests to lease out for cultivation ?—Yes.

160. What is the percentage of income from these lands ?—I cannot tell you, but something quite insignificant compared to the general revenues.

161. *Sir Arthur Froom*: You are Chief Conservator ?—Yes.

162. There are four Circles ?—Yes.

163. That means four Conservators ?—Yes.

164. Then you come next to Divisions. How many Divisions have you ?—There are 28 divisions —not all territorial. There are certain Divisions known as Working Plan Divisions. There are at the moment three of these. So there are really 25 Territorial Divisions and three which are known as Working Plan charges.

165. Who are in charge of these Territorial Divisions ?—They are officers of the rank of Assistant Conservators and upwards. They are generally known as Divisional Forest Officers.

166. Then you come down to the range in charge of a Ranger ?—Yes.

167. And below them are watchers ?—Yes.

168. Beginning from the bottom, where does the total Indian element end ? The watchers are Indians ?—Yes.

169. The ranger is an Indian too ?—Yes.

170. The Deputy Conservator might be an Indian or a European ?—Yes, either an Indian or a European.

171. Are there any Indians among the Conservators ?—Not yet. There are no Indians at present who can stay long enough in the service to reach the Conservator's rank, except the most newly-appointed men, very junior men, who will not reach the Conservator's rank for another twenty years.

172. Amongst your Indian Deputy Conservators would you say you have got any Indians fit to be promoted as a Conservator ? If it embarrasses you I do not want to put the question.—I do not mind.

173. You have a number of Indian Deputy Conservators. You know of any outstanding men who might be promoted to a Conservator's rank from the point of view of suitability and capability ?—I know of one or two at the moment.

174. So after all some Indians in the Forest Service are capable of running the big forest districts ? —Perfectly capable. There are one or two outstanding men, of course. There will always be, I think.

175. You want to leave Englishmen with them ? —What I want to do is to maintain a proper mixture.

176. That is your opinion ?—I consider that the minimum should not be less than 50 per cent.—50 to 50.

177. When you entered the service you had to undergo an examination ?—Yes.

178. In England ?—Yes.

179. Were many Indians going in at that time ?—No, there were very few.

180. Indians did not care for Forest Service as much as they did for the Indian Civil Service ? You told us that there were very few Indians who went up for the Imperial Forest Service by competitive examination in England ?—Very few in my time.

181. But there were, as you know, a considerable number of Indians going up for the Indian Civil Service ?—Yes. The same is the case with the Engineering Service, too.

182. And from that could the Conference deduce that there is not the same inclination on the part of Indians for the Forest Service ?—I do not know what else you could ascribe it to.

183. You said that the Forest Service is a very hard life, especially for more junior men ?—Yes.

184. You have to be in the jungle for a large part of the year ? There is the climatic reason—the unhealthiness ?—That is most certainly the case. A man should have tremendous physical capability. Tremendous physical exertion is required in order to be a competent Forest Officer in this country. He has to resist the fever, too.

185. Fever attacks Englishmen and Indians alike ? Or does it attack one more than another in the forest ?—We have Forest Officers who leave this country with their health completely undermined.

186. Perhaps that is one reason for its not being popular ?—I should say that that was a very large reason.

187. It is a hard life and a great tax on one's health ?—Yes.

188. *Sir Hari Singh Gour*: I would just like to ask you one question. You said just now that in your time lots of Indians used to compete for the I.C.S., but not to the same extent for the Indian Forest Service ?—Yes.

189. Did not more Englishmen compete for the I.C.S. than for the Indian Forest Service in your time ?—Well, the number of posts offered in the Indian Forest Service was always limited. The number of candidates that came up in proportion to the number of posts offered I suppose was much about the same.

190. Then you draw no deduction from the fact that a smaller number of Indians, and for the matter of that a smaller number of Englishmen used to

compete for the Indian Forest Service as compared with the Indian Civil Service ?—Yes. I never saw a single Indian appear in my time.

191. Because the attractions in the Indian Civil Service were great then ?—They think the Indian Civil Service, for one thing, offers better prospects and a more pleasant sort of life from their point of view, I take it.

192. That would equally appeal to Englishmen ? —Well, I do not know. There are many Englishmen who are specially attracted to jungle life. There are many men in this country now who would tell you to-day that they would far rather have gone into the Forest Service than into the service in which they are at present. Plenty.

193. Are there any graduates in the Indian Forest Service ?—Yes.

194. Many ?—Yes.

195. Of the English Universities ?—Both Indian and European.

196. Oxford and Cambridge graduates ?—Yes.

197. The higher class of forest training was not available in this country till very recent years ?—No.

198. It started at Dehra Dun ?—Yes.

199. That college is open to Europeans and Indians alike ?—I believe it is.

200. I can assure you it is. Consequently if Europeans prefer forest life they can go to Dehra-Dun ?—Yes, but I do not think they ever go or will go there.

201. And enter the Indian Forest Service ?—Yes.

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203. *Sir Zulfiqar Ali Khan*: You would not like the Indianisation of the Forest Service ?—No, not completely.

204. I do not understand the word "completely." Do you mean to say largely ?—I mean to say that there should always be a certain element of both Europeans and Indians.

205. But you think that there should be a preponderance of Europeans in the Service ?—I do not say that. 50 and 50 should be the percentage adopted.

206. Indians should not be more even if they are equally trained men as the Europeans ?—I think that 50 and 50 in any case is the right proportion for men of the same training.

207. Do you know, Mr. Newman, that in Dehra Dun Forest Service there are a large number of Indian trained men who are doing very well ?—I quite believe it.

208. Why should they not do equally well in Bombay ?—You are talking, I take it, about the College.

209. No; in regular Forest Service.—I have already said that there are some men in the Bombay Presidency who are doing very well; there will always be some. I am only speaking generally when I say that.

210. Can you give me any instance in which an Indian promoted to one of the higher ranks has failed to do his duty ?—I have not had a case in my personal area from which I could form an opinion, but there have been several instances. I see no reason why he should not do perfectly well if he is the right type of man.

211. *Sardar Shivdev Singh Uberoi*: You said, Mr. Newman, that an average Indian would not like the Forest Service ?—Yes.

212. Of course one branch of the Service is Indian Forest Service and the other is Provincial Forest Service ?—Yes.

213. May I know who forms the majority in the Provincial Forest Service, Indians or the foreigners ? —Practically all Indians.

214. Then what data have you to form this opinion that the average Indian would not like the Forest Service when the Provincial Service is manned all by Indians ?—Because I judge by the quality of work in their respective charges.

215. Do you mean to say that the quality of work for an Indian Forest Service man is harder than that for a Provincial Service man ?—Yes, generally speaking; he has a more responsible and heavier charge.

216. If I understood you aright you said that the Provincial Forest Service is manned all by Indians. My question is if Provincial Service could be manned by Indians why the Indian Forest Service cannot be manned by Indians ?—The management of the Provincial officer is almost always less efficient than that of the Imperial officer.

217. Only on account of efficiency ?—The Provincial officer is less efficient taken as a whole.

218. When an Indian is qualified from a British University in this special line, can he not be fitted for the service ?—He can be if he is efficient, and there are instances of his being so.

219. There is no reason for you to say that an Indian as an Indian has no liking for the Forest Service ?—I say that on the whole; that is my own experience.

220. On what do you base it when the majority of men in the Provincial Service are Indians ?— Young men have to find a career somewhere, but there is no doubt the educated Indian as a rule prefers other professions, equally or more lucrative and less physically toilsome, with greater social amenities.

221. *Raja Nawab Ali Khan*: You said that the average Indian is not suited for forest life and then you went on further and said that he has admitted it ?—What I mean is that Indians themselves in service have expressed the opinion to me, that retention of a number of Europeans is essential for the good of forest administration.

222. Your subordinates ?—They may or may not have been my subordinates, but probably some of them were.

223. You have said that Forests is a transferred subject in Bombay and Burma and it is not so in other provinces. Then you said that from the time the Forests were transferred to the control of the Ministers there have been more cases of fires and more area was burnt down ?

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224. *Raja Nawab Ali Khan*: I want to know whether you have got any statistics of forest fires ? —Yes.

225. Are they comparatively more than in other provinces ?—I cannot say that because I have not made any comparison. But they are very bad in Bombay this year.

226. *The Chairman*: I would like to know whether, apart from this particular instance, they have been getting worse over a series of years, generally speaking ?—No. There has been some improvement, a notable improvement. It took place long ago before Forests were transferred. As a matter of fact, in one district, known as "The Dangs," in the Bombay Presidency there has been a very great improvement. It fluctuates from year to year.

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228. *The Chairman*: Let us be perfectly clear. Whether you have more fires or less fires has got nothing to do with the forests being a transferred service ?—Nothing.

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230. (*To Mr. Smyth*): I hope that you feel that the matters of fact brought out represent the views of both of you ?—Yes, sir.

231. If there is anything which you want to express distinctly—I mean any opinion different from that expressed by Mr. Newman—please take the opportunity of doing it now.—No, I have nothing to add to what Mr. Newman has stated.

The Chairman: Thank you.

NOTE.—For further evidence in the Bombay Presidency, which was taken in Sind, *see* pages 114–124.

MEMORANDUM SUBMITTED BY THE CHIEF JUSTICE AND JUDGES OF THE HIGH COURT OF BOMBAY.

1. In submitting this Memorandum to the Indian Statutory Commission through the Government of Bombay, the Chief Justice and Judges of the High Court of Bombay desire in the first place to explain their position. It is not the practice of this High Court to tender advice to Government unless requested so to do, or unless the matter is one coming under the direct cognizance of the High Court, and is of such a nature that the attention of Government may be usefully drawn to it. Hitherto no official request has been sent to the High Court either by Government or the Indian Statutory Commission to tender advice on any subject coming within the scope of the Commission, nor have any papers on the subject been officially circulated to the High Court. As regards the bulk of the work of the Commission this is clearly understandable, for presumably it will be mainly political in the modern sense of that word and as regards such matters the High Court is in no way concerned. On the contrary its settled practice is to keep strictly aloof therefrom.

2. It would however appear from a Memorandum published in March, 1928, in the public press and elsewhere that the Commission has invited statements both from official and non-official sources from representative associations, local bodies and responsible individuals on any of the subjects falling within the limits of the inquiry to be undertaken by the Commission, and that amongst such subjects are included as item No. 7 " The Courts and the Judiciary." Further quite recently there has been published in the public press a Memorandum submitted to the Commission by the Associated Chambers of Commerce of India and Ceylon, in the course of which they propose that all High Courts in India should be under the Government of India both for administration and finance. They further suggest that a Supreme Court may become necessary. These proposals are important in themselves, and come from a body of great importance ; and they directly affect this High Court and the Presidency at large. If then the Commission is prepared to consider these proposals as falling within the limits of their enquiry, it would seem desirable that some opportunity should be given to this High Court of expressing its views on the subject. Before doing so however this High Court would have preferred to have had the advantage of a discussion on the subject with representatives of the Government of Bombay, but as time presses owing to the Commission visiting the Presidency of Bombay first, it has been thought desirable that the High Court should make the following preliminary statement, confined in the first instance to the proposals made by the Associated Chambers of Commerce, and should ask for liberty to supplement it at a later stage if necessary.

3. At the outset then it may be found convenient to state briefly the history and the present jurisdiction and position of this High Court. It represents an amalgamation effected in 1862 of (*a*) the Supreme Court of Bombay founded by the King's Charter of 1823 and inheriting earlier jurisdiction acquired at various times since the cession of Bombay to the Crown in 1661, and (*b*) the Courts founded by the East India Company in the up-country or mofussil districts of the Presidency. The former (*a*) represented the King's Courts and was granted by the Charter of 1823, speaking generally, the jurisdiction of the Courts in England so far as regards the town and island of Bombay. The latter (*b*) took their jurisdiction from legislative authority conferred upon the East India Company. The main area then of this High Court's jurisdiction still divides itself into two natural branches, viz. (i) the town and island of Bombay which may be called Bombay and (ii) the up-country or mofussil districts. As regards (i) the Court is concerned with a great commercial city ranking third or fourth in population amongst all the cities of the British Empire. And here the Court has to deal with suits from start to finish, for they all originate in Bombay and are tried there. Hence this main branch of the Court is called " the Original Side." As regards (ii) the Court is concerned with the problems of large agricultural areas, for the up-country districts apart from large towns like Poona and Ahmedabad are mainly devoted to agriculture. And here the Court has to deal with suits on appeal, for they originate and are tried in the mofussil. Hence this other main branch of the High Court is called " the Appellate Side." Accordingly, the main feature of litigation in Bombay is originating or appellate mercantile and commercial litigation, particularly relating to the sale of goods. The main feature of litigation from the up-country of mofussil districts is appellate litigation concerning land.

4. As regards the general nature of this jurisdiction, it is of a most extensive and varied character. It includes every variety of civil suit from mortgages down to divorce, apart from revenue matters, and even there this High Court is given by statute a special jurisdiction as regards for instance income-tax and super-tax. It also includes all criminal jurisdiction. This civil and criminal jurisdiction is exercised over some 16 millions of people living in an area of some 77,700 square miles in the Presidency proper, excluding Sind. This High Court has also special jurisdiction over certain cases coming from the Persian Gulf, Aden and Zanzibar and it is proposed by the Home Government (contrary to the wishes of this High Court) to extend it to Abyssinia.

5. With this large population the litigation naturally runs into large figures, as will be seen from the Report on the Administration of Civil and Criminal Justice in the Bombay Presidency for the year 1926. Taking first the Original Side (which is the largest Original Side of any High Court in India) it will be seen from page 82 that during that year 3,621 suits were disposed of in addition to 21 Testamentary suits and 1,168 Insolvency matters, making a total of 4,818. It also disposed of 88 appeals from its original jurisdiction. As regards Criminal Sessions 105 cases were disposed of, all of which were tried with juries. Turning next to the Appellate Side, 1,193 civil appeals in all were disposed of, in addition to 1,361 miscellaneous civil matters (see page 85). As regards criminal work, 642 appeals and 390 references were disposed of, in addition to 161 miscellaneous applications. The aggregate total then for the year on both Original and Appellate Sides, civil and criminal, amounts to some 5,670 suits, cases and appeals, and 3,090 Insolvency and other miscellaneous matters.

6. Turning next to the Mofussil Courts, it will be seen from page 80 of this Report that during the year 1926 they disposed of 1,28,515 civil suits and 4,604 civil appeals. In addition 708 criminal cases and 1,710 criminal appeals were disposed of by the Sessions Courts. The above is apart from the Small Causes Court, Bombay, which disposed of 35,137 civil suits. It is also irrespective of a very large number of criminal matters tried by the Magistrates in Bombay and in the mofussil. From page 38 it would appear that about 2,66,237 persons were put on trial, other than in the Courts of Session or Superior Courts.

7. The judicial staff to dispose of this litigation will be found at pages 1 and 17 of the Report. It consists as far as the High Court is concerned of 8 permanent Judges (including the Chief Justice) and 1 or 2 temporary additional Judges. As this staff is unable to cope with the voluminous civil and criminal work on both the Original and Appellate Sides without there being regrettable arrears, an increase to 11 permanent Judges has been asked for. This request is still under the consideration of Government. As regards the mofussil, the country is divided up into some 17 different Districts, at the head of each of which there is a District Judge. Under the District Judges there are for civil work some 22 first-class and 104 second-class Subordinate

Judges, in addition to 2 Joint-Judges, 7 Assistant Judges and 2 Small Cause Court Judges. This is exclusive of the Bombay Small Causes Court which has 6 Judges. As regards the criminal work each District Judge is also Sessions Judge, and usually the above Joint and Assistant Judges are given the powers of additional Sessions Judges. Apart from these officers, there are a large number of magistrates, most of whom are not engaged exclusively in judicial work, but have executive duties to perform as well such as revenue or police work. The Report at page 17 shows that there were some 974 first, second and third-class magistrates, 467 Honorary Magistrates and 19,741 Police Village Patels for the year in question. Under section 107 of the Government of India Act the High Court is given the superintendence over all Courts subject to its Appellate jurisdiction, and may make general rules for regulating the practice and proceedings of such Courts, subject to the previous approval of the Government of Bombay.

8. The income brought in from this litigation also runs into large figures. As regards the Original Side the receipts for 1926 were Rs. 10,16,740 and the expenditure Rs. 7,02,345, leaving a net surplus of Rs. 3,14,395 (see pages 5 and 6 of the Report). This is irrespective of Rs. 10,87,212 collected by the High Court for Probate Duty, and if 10 per cent. is allowed for the cost of collection, this surplus would be increased to Rs. 4,23,116. On the Appellate Side however the receipts of Rs. 1,83,987 were less than the expenditure of Rs. 3,92,270 by Rs. 2,10,029. But if this deficit of Rs. 2,10,029 be deducted from the above net surplus of Rs. 4,23,116 on the Original Side, a final surplus profit is shown of Rs. 2,05,087. The above expenditure includes the salaries of the High Court Judges. In effect these figures show that the civil litigant on the Original Side pays for the costs of all the Original Side civil and criminal litigation and also for the deficit on the Appellate Side caused by the appellate civil and criminal work from the mofussil.

9. As regards the financial figures for all the Courts of the Presidency both civil and criminal, the surplus of receipts over expenditure for the year 1926 was Rs. 30,57,574 according to the official return of the Accountant-General. This expenditure included expenditure over new buildings amounting to Rs. 9,00,000 and also repairs to buildings to the extent of Rs. 87,203. Speaking generally then it would appear that the Courts whether in Bombay or the mofussil bring in a substantial net revenue to Government, after paying all expenses including salaries and expenditure on buildings, and the cost of criminal work; and that it is the civil litigant who mainly produces this satisfactory financial result. This has to be borne in mind in considering any question of the transfer of the High Court to the Government of India for administrative or financial purposes.

10. The permanent High Court Judges are appointed by His Majesty and hold office during His Majesty's pleasure [sections 101(2) and 102(1), Government of India Act, 1915]. In practice in recent years they undertake on appointment to retire at 60, though there is no provision to this effect in the Act. This age-limit is not always to the advantage of the High Court, and might be reconsidered. Temporary additional Judges for periods not exceeding two years are appointed by the Governor-General in Council [section 101 (2) (i)] and acting Judges to fill temporary vacancies by the Government of Bombay (section 105). The salaries, furloughs and pensions of the High Court Judges are regulated by special statutory rules made by the Secretary of State which will be found in the India Office List, 1928, page 388. The grant of furlough rests usually with the Government of Bombay.

11. The office staff of the High Court is appointed by the Chief Justice under clause 8 of the Letters Patent of 1865, and they are paid such reasonable salaries as he appoints and as the Governor of Bombay in Council subject to the control of the Governor-General in Council shall approve of. The aggregate office staff numbers about 212, including the Insolvency Department which accounts for 33 and the Translation Department which accounts for 55 members. They are under the general control of the Chief Justice.

12. The work of the High Court falls into two natural divisions, viz. (*a*) its judicial work and (*b*) its administrative work. As regards (*a*) the sittings in open Court are substantially the same as in the High Court in England, viz. 5 hours per day for 5 days per week. The Bombay Vacations (including the Christmas and Easter holidays) are less, viz. 12½ weeks against 16½ weeks in England, but in Bombay the Courts are closed on certain Government public holidays numbering about 18 days in all, and therefore the aggregate Bombay vacations and holidays amount to about 15 weeks against the English High Courts 16½ weeks. The sittings of the High Court are held solely in Bombay, and it does not move with Government to Mahableshwar and Poona. Nor does it go on circuit. In this latter respect there is no recent instance of the exercise of the powers given by clause 31 of the Letters Patent. But inspection tours of the various District Courts lasting some 4 or 5 months are or ought to be made every 2 or 3 years by a High Court Judge, and proper financial provisions ought to be made for these tours by the local Government. At present there is difficulty in obtaining financial sanction to them, and the same observation applies to short tours or visits by the Chief Justice.

13. As regards (*b*) the administrative work is heavy and increasing in burden. It primarily falls on the Chief Justice and on the Administrative Judge, Appellate Side, and the Administrative Judge, Original Side, respectively, but many of the more important questions are laid before the Judges as a whole, and occupy a great deal of their time. This administrative work is largely affected by correspondence with Government, and includes advice on the appointments, postings and promotions of the mofussil Judges; the variations of the Courts in accordance with local needs; the finances of the High Court including salaries and other expenditure; pending or suggested legislation; the framing and amendment of rules and procedure; the admission of advocates, attorneys and vakils after examination, and the investigation of complaints. As regards legislation, it had become the practice of the Government of India and the Government of Bombay to ask the opinion of the High Court on an increasing number of Bills or Resolutions, many of which did not affect the High Court or the Courts subordinate to it. But as the result of representations made by certain High Courts, including the Bombay High Court, it is anticipated that this branch of their work will decrease. As an instance of their administrative work it may be mentioned that in the course of the last two years the Chief Justice and Judges have held an enquiry into the reorganisation of the whole of the departments and staff of the High Court, the papers on which alone have run into some 800 large printed pages. There has also been an enquiry into the judicial and office staff of the several 17 District Courts and the Courts subordinate to them. The proposals of the High Court as the result of these enquiries are now before the Government of Bombay.

14. It may here be observed that even as regards any matters which may ultimately go before the Secretary of State or the Government of India, the practice is for the High Court to send them in the first instance to the Government of Bombay. This would seem clearly a convenient practice under existing conditions, for then the local Government knows of the proposals of its own High Court and can also express its own views in forwarding the papers to the Government of India. As regards appointments to the High Court, the Chief Justice

is usually consulted personally on these and some other appointments. As regards appointments to the District and Subordinate Courts, the practice is for the Chief Justice and Judges to be consulted by Government.

15. To complete this sketch of the present position and work of this High Court, the Chief Justice and Judges would like to say that the tradition of this High Court has been to maintain friendly relations with its own Government without in any way jeopardising that independence which it is essential for any efficient High Court to maintain. The personal equation may at times lead to minor variations in this respect. But the Indian Statutory Commission may take it that this High Court highly appreciates the consideration and courtesy with which it has been treated by the Government of Bombay over a long series of years in the discussion of a large number of complicated and difficult subjects.

16. Turning next to the specific proposals of the Associated Chambers of Commerce, the onus of proof would seem to lie on those who advocate the change that in future this High Court should be under the Government of India both for administration and finance. It is not altogether clear whether the proposal is intended to include the District Courts as well as the High Court itself. If, however, the proposal does extend to the District Courts, then this High Court cannot support it. The figures for the Districts given in paragraph 7 show that at present the Government of Bombay is concerned with some 160 Civil Judges and 974 Criminal Magistrates in addition to 467 Honorary Magistrates. The appointments, transfers and leave of all these officials must necessarily involve a local knowledge and a heavy correspondence which is not of sufficient importance to justify the expense and delay caused by its transference to Delhi and Simla, and the heavy increase in that correspondence which would be caused by the central Government having necessarily to consult the local Government in a large proportion of matters. Further, as regards the 974 Magistrates who perform both judicial and executive functions, the whole system would presumably have to be recast, as otherwise the Magistrates would be part-time officials under the Government of India and part-time officials under the Government of Bombay. It is recognised that if henceforth the High Court was to be under the Government of India, and the mofussil Courts under the Government of Bombay, there might be some risk of friction between the local Government and the High Court, but it would have to be left to the good sense of those in authority to prevent this. It is also recognised that this division would render it necessary to make some adjustment as between the Government of India and the Government of Bombay of the revenue derived from the High Court and the mofussil Courts respectively. But the latter is a financial detail.

17. Confining then the proposal to the High Court itself, but retaining the High Court's existing powers of superintendence over the District and other subordinate Courts under section 107 of the Government of India Act, the main points for consideration in favour of the proposal would appear to be as follows. *First* that the centralisation of the High Courts under the Government of India would tend to the unity of the Indian Empire and the greater security of the High Courts themselves. Secondly, that a central authority would tend to improve and co-ordinate the general administration of all the High Courts by adopting the good and discarding the bad methods that may now be found in individual Courts. Thirdly, that appointments would not be subject to the same political or communal pressure. Fourthly, that the High Courts would be removed from the risk of attacks in the local Legislature, and as regards the Central Legislature, the Government of India would probably be strong enough to prevent unfair criticism. Fifthly, that the effective work of the High Courts would no longer depend on the fluctuating finances of its local Government or on the chances of some hostile vote on the annual Budget, or on the hostility or opposition of some extremist local Government of the future.

18. As regards the first and second points, the High Courts of India number at present seven. The four senior Courts are those of Calcutta, Madras, Bombay and Allahabad. The three High Courts of Patna, Lahore and Burma have been formed within the last 12 years or so. The total number of permanent and temporary additional Judges in these 7 High Courts would appear to be about 83 according to the India Office List 1928. In addition there are several Chief Courts or Judicial Commissioner's Courts which for certain purposes have the powers of a High Court. It is not proposed to refer to them any further, except to say that as regards the Court of the Judicial Commissioner of Sind, the Act (Bombay Act No. VII of 1926) which was passed to convert it into a Chief Court with increased status and powers has not yet been carried into effect owing, it is believed, to the financial condition of the Government of Bombay. Nor is it proposed to deal specifically with any of the other High Courts except to say that the High Court of Calcutta has long been under the Government of India, and that therefore their Judges are in a position to state the advantages and disadvantages they have thereby experienced. The distances between the Provinces are so great and the existing opportunities of meeting Judges from another Province are so slender that these factors added to the diversity in the needs and procedure of the various Provinces make it impracticable for the Judges of this High Court usefully to make any specific suggestions as to the work or needs of any other High Court. No doubt this to some degree bears out the suggested need for a central authority. The Privy Council, for instance, has been a strong link in connecting up the various parts of the British Empire from a judicial point of view. And in time the Government of India might be able to effect a similar result within the Indian Empire from an administrative point of view. But against this has to be weighed the practical difficulty of a central authority acquiring sufficient personal knowledge of the needs of the various High Courts spread as they are over a vast area of approximately the size of Europe (apart from Russia) and containing an aggregate population of over 300 millions.

19. In this latter connection it may be observed that ordinarily under the above proposal the High Courts would come under the Home Department of the Government of India. But that is already an overworked Department, and the Member in charge who usually acts as Prime Minister and Leader of the House will normally be more interested in politics and activities of general administration than in the judiciary and Courts. This, however, would to some extent be mitigated if all the High Courts were placed under the Law Member, though as regards the question of finance, the main voice would be that of the Finance Member. This would also have the advantage of the affairs of the High Courts being dealt with by a practising lawyer, for the Law Member is usually chosen from the Bar. In that event it would no doubt be open to the Law Member to make suggestions to the various High Courts which would tend to uniformity so far as is practicable and desirable. The work, for instance, both of the Chamier Committee and the Rankin Committee were startling in the differences they disclosed in the practical working of the various High Courts. But the work of those Committees requires to be followed up, for all those differences can hardly be said to be essential.

20. One fear that has been expressed is that this change might lead to Judges being transferred from one High Court to another. This, however, would meet with strong opposition not only from the Judges themselves, but also in all probability from the Bar. At present no High Court Judge would be transferred without his consent, and there would seem no reason

why this desirable practice should be altered under the above proposal. The Judges would still as before be appointed by His Majesty the King, and accordingly their appointments would still be made through the Secretary of State.

21. Another fear that has been expressed is that the above proposal would involve the Bombay Judges losing certain privileges which they at present enjoy owing to the exigencies of local conditions, e.g. their existing occupation of Government bungalows, and the advantage of the 10 per cent. rule which, thanks to the efforts of the local Government, they at present enjoy. This is a serious practical matter, for a quiet house is essential for each Judge, and normal rents are so high in Bombay that suitable houses cannot be obtained for a reasonable proportion of a Judge's existing salary. To take an extreme case, the economic rent of an unfurnished but modern Government bungalow to be paid by a High Court Judge was recently fixed by the Public Works Department at Rs. 2,000 per month or about £1,800 per annum at average rate of exchange. Seeing that the gross salary of each High Court Judge is only Rs. 4,000 per mensem before deducting income-tax, this clearly created an impossible position. Moreover, the Accountant-General objected that under section 104 (2) of the Government of India Act the local Government could not extend to any High Court Judge the advantages which its own officers enjoy, viz. that their rent of Government bungalows should not exceed 10 per cent. of their pay. Through the good offices of the Government of Bombay, this matter has now been rectified by a new rule issued by the Secretary of State. If, however, the present proposal was adopted, some arrangement would have to be made to prevent the Bombay Judges from being turned out of their existing homes, or deprived of the benefit of the 10 per cent. rule. Arrangements would also have to be made for the adequate housing at a reasonable rent of future Judges of the Court.

22. As regards the question of greater security raised in point 1, this can conveniently be considered along with points 3, 4 and 5 mentioned in paragraph 17. As far as attacks in the local Legislature are concerned, this High Court has so far been fortunate in having nothing said beyond the limits of fair criticism. But it is believed that such has not been the case in all Provinces. And it must be noted as a sign of the times that political adversaries are constantly endeavouring to remove their disputes to a Court of Law, and that this makes it all the more essential that the Judges should not be unfairly attacked. Thus motions have been made to one High Court or another to restrain the holding of the meetings of important Municipal Corporations, or to prevent the giving of an address or casket to the Governor of the Province, or to restrain the holding of a meeting of the Legislative Council of the Province. In the opinion of some Judges motions of this description have been far too freely entertained in the past, and are fraught with danger for the future, as they are liable to bring the Courts and the Legislature into direct conflict. It would, therefore, be a salutary rule if no High Court in the future should have power to interfere with the deliberations of any Legislative Body, apart of course from its judicial duty to determine in case of necessity whether any particular Statute passed by that Body was in fact *ultra vires*.

23. As regards protection from political or communal pressure in making appointments, it would seem probable that the central Government would be less exposed to it than a local one. The Montagu-Chelmsford reforms have only been in operation some 10 years, but already there are indications that political or communal support can demand its *quid pro quo*. Thus some proposals for appointments have been put forward which could not be justified on merit alone, and which appear to owe their origin to political or communal considerations. Particularly is this the case with subordinate appointments. Accordingly whether or no, the High Court is transferred to the Government of India, it would seem desirable that the High Court should be given some right of appeal as regards proposed judicial appointments to which it formally objected.

24. Another risk which should be guarded against is the possibility of some extremist or hostile local Government of the future harassing the High Court by the refusal of adequate financial supplies for its judicial and administrative work, and in other ways which need not be specified. As regards the High Court office staff, Clause 8 of the Letters Patent gives some protection in this respect. But it would seem a prudent precaution that a specific right of appeal to the Government of India, and if necessary to the Secretary of State, should be reserved to the High Court on any question of importance. In this connection an attempt has to be made to forecast the future and to anticipate the possible results of the increased voting powers of the people and its elected representatives and the increased Indianisation of the public services.

25. This consideration brings one to the general question of finance raised by the 5th point in paragraph 17. It is a question which particularly affects this High Court, for the finances of the Government of Bombay are said to be in such an unhappy condition that judicial reforms, however beneficial, cannot be effected unless they involve no increased expenditure, and that this condition of affairs is likely to last for many years to come. This High Court has no desire to restate here the specific matters on which at present it is unfortunately in disagreement with the Government of Bombay. But a general question of principle of some importance appears to arise, viz., whether in matters vitally affecting law and justice it is sufficient to state that necessary expenditure cannot be afforded. If, for instance, the High Court rightly thinks that the condition of litigation in either the High Court or a Subordinate Court will gradually become chaotic unless an increased judicial staff is forthcoming, can want of money be a sufficient answer particularly when the necessary money is available from the surplus net profits of the Court affected? It may indeed be questionable whether the High Courts should be regarded as a source of revenue at all to Government. It would seem sufficient if the civil litigant had to pay Government merely for the cost of obtaining the redress of his own wrongs, irrespective of the cost of criminal litigation. But it is difficult to see why he should be mulcted in addition with the payment of a net profit to Government to the relief of the general tax-payer. However that may be, it would seem likely that though a central Government would closely consider any proposal for increased expenditure, it would not feel hampered by any alleged lack of funds in arriving at a decision on the merits. Moreover the central Government would have their experience of other High Courts to assist them.

26. It may further be pointed out that the exercise by a local Government of its revenue powers might seriously prejudice the proper working of the High Court. For instance, the system of costs on the Original Side is substantially the same as in England, and differs essentially from the Court Fee system prevailing in the mofussil Courts. But to some degree the Original Side has been the subject of attack by certain politicians from the mofussil. The Government of India some 2 years ago raised the question whether the Court Fee system should be adopted in all High Courts. This and other High Courts strongly opposed the suggestion, and the matter was dropped. But quite recently the Government of Bombay has again raised the point with reference to the Bombay High Court alone, and this High Court has again stated its objections. If, however, the local Legislature was to pass a Bill on the subject, it is arguable that under present conditions it would not be *ultra vires*. It is respectfully submitted that the High Courts should

be protected against the possible exercise of any such power.

27. Another drawback is at present experienced as regards temporary additional Judges. The appointment of temporary High Court Judges presents in any event certain undesirable features, but these features are aggravated by delay and uncertainty in the appointments or reappointments. For some years past this High Court has been left in uncertainty as to whether two or even one additional Judge will be given for the current year. The Budget is so framed as to leave this in doubt, and in practice it is not until the middle of March or thereabouts that it is definitely known whether the necessary financial provisions have been passed. If, for instance, the local Legislature has effected a cut in some other direction, or has thrown out certain proposed taxation, then there is a serious risk of at any rate one additional Judge being dropped. Even assuming the Budget gets through, the Government of India has still to be consulted as to the appointments to be made. And in the result the last day of the April sitting may come and the Long Vacation begin without the existing additional Judges or Judge knowing whether they are to vacate their rooms in the High Court and revert to the Bar, or whether they are expected back on the Bench. A Judge's best work can only be done with reasonable security and peace of mind. And these financial methods are not best calculated to secure either. And they also produce an undesirable dependence on the views of the local Finance Department.

28. Turning next to objections to the proposal of the Associated Chamber of Commerce, these have to some degree been stated in considering the points put forward in support of the proposal. But there remains a strong objection for consideration, viz. the probable loss of the personal touch in the future relations between Government and the High Court. *Prima facie* the local Government should know its own Bench and Bar better than a central Government can. The opportunities of meeting too are better, for even a few minutes' friendly chat at some outdoor sport or social gathering may save two busy men much time, and prevent misunderstandings in official correspondence. It has to be remembered, however, that Government is only in Bombay for some four months of the year, and that even then it is much preoccupied first by the Budget, and then by the sittings of the Legislative Council. The rest of the year Government is at either Mahableshwar or Poona and both of these places involve return journeys of a length and at an expenditure of time which Judges cannot afford having regard to their pressing judicial and administrative work in Bombay. In practice then it is only during the cold weather that the High Court is likely to have the advantage of meeting the senior officers of Government. But having said that, the serious practical nature of the above objection still remains.

29. It has been further objected that a local Government would be more likely to give adequate time and attention to the views of its own single High Court than a central Government would do to any one of 7 or more High Courts placed under it. There is some weight in this, particularly if the central department was overworked. On the other hand this objection to some degree postulates that the central department might not do its duty. Even if that contingency can properly be contemplated, all the 7 High Courts would presumably be affected, and a united protest from them all would probably be more effective than would that of a single High Court subject to its own local Government.

30. It is further urged in objection that the Central Government would still have to consult the local Government on many High Court matters, and that this would result in increased correspondence and delay rather than the reverse. To some degree this is probably true. But even under existing circumstances there must necessarily be a substantial correspondence between the central Government and the local Governments over the various High Courts. The only difference in the correspondence of this High Court would be that it would go direct to the Government of India and not to the Government of Bombay except in matters relating to the mofussil Courts.

31. There are doubtless other matters to be taken into consideration, but the dominating and rival contentions as this High Court sees them at present are on the one side the fear of the adverse effects which political changes may cause in the future security and efficiency of the High Courts, and on the other hand the love of their own Presidency with its past proud history and their natural preference to work with men whom they know and who know them. For the moment the High Court begs to be excused for giving its final opinion. As already pointed out it has not yet had the advantage of a discussion on the subject with representatives of its Government. It is possible that in any event its opinion will not be unanimous. But on the following points there will be no disagreement, viz. that in the view of His Majesty's Judges, the High Courts of India are one of the strongest supports of Government, and that anything that would tend to undermine them would be fraught with danger to Government itself. Agitators have fully recognised this in recent years when they started an attempt to boycott all the law Courts of the country. At present, however, the village people base their simple faith on the fact that the High Court stands between them and any attempted *zulum* on the part of the local policeman or executive official. But once that High Court is rendered inefficient, then tyranny or corruption or even incompetence may prove a source of widespread discontent which it would be difficult to stay, and yet if it was unstayed would probably result in some serious disaster. The right solution then of the present proposal is a grave decision to make, and requires a reasonable opportunity for its due consideration.

32. As regards the other proposal for the formation of a Supreme Court, this matter has more than once been mooted in the central Legislature and has hitherto been rejected. This High Court amongst others has already advised against it. The practical difficulties of providing a body of Judges all under 60 and yet with sufficient experience and ability to command the confidence of all the Provinces of India even when reversing the decisions of their own High Courts, are very great, if not insuperable. The choice of a central spot with a central bar would be another difficulty. Possibly an increase in the age-limit to, say, 65, and a reduced length of sittings like the Privy Council might be palliatives. But a peripatetic Supreme Court corresponding to the High Court of Australia would probably invoke too great a physical strain on its Judges, to say nothing of the expenses of new Law Courts and accommodation in each Presidency capital. This High Court, therefore, does not support the present proposal for a Supreme Court.

33. In conclusion the Chief Justice and Judges wish to say that if the Indian Statutory Commission would like to have any oral evidence from this High Court, some of the Judges will be prepared to give it, provided their evidence can be taken *in camera* as was the case with the Chamier and Rankin Committees.

12th September, 1928.

LAHORE.

Dated, 1st November, 1928.

Morning.

PRESENT:

ALL THE MEMBERS OF THE COMMISSION (EXCEPT COLONEL LANE-FOX), OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND), AND OF THE PUNJAB PROVINCIAL COMMITTEE.

Mr. H. W. EMERSON, C.I.E., C.B.E., I.C.S., Chief Secretary to the Government of the Punjab.

1. *The Chairman*: Mr. H. W. Emerson, you are, as we know, Chief Secretary to Government. * * * You have no doubt been in administrative charge of one or more districts as deputy commissioner before you came to the secretariat? Yes.

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5. You are now Chief Secretary, but I believe you were formerly Financial Secretary of the Punjab Government?—Yes.

6. Will you turn first of all to chapter VIII of Part I (Descriptive Matter) of the memorandum* prepared by the Government of the Punjab? * * *

7. The practice here is to call the head of the district a deputy commissioner instead of a collector, is not it?—Yes. He is also called a collector for revenue purposes and has also that title. In his executive capacity he is a deputy commissioner, and in his judicial capacity as head of the magistrates and responsible for law and order he is the district magistrate.

8. But he is ordinarily described as a deputy commissioner?—He is called a deputy commissioner, yes.

9. Are the districts grouped under a higher authority?—They are grouped under a commissioner.

10. I think in this province there are five such commissioners.—There are five commissioners, yes. They have five or six districts each.

11. Each has five or six districts?—Yes.

12. What is the importance of the part which the commissioner plays in the organisation?—He is an administrative and appellate officer, but not an executive officer. In regard to the administration of the criminal law and in his relations to law and order, he is supposed to be in touch with the progress of criminal work; that is to say, the criminal disposals of the various magistrates. The monthly returns are sent through him, and if he thinks that the number of pending cases is larger than it ought to be he can move Government, either directly or after consultation with the deputy commissioner, for some increase in the staff, or he will draw the attention of the deputy commissioner to the fact that the criminal work appears to be getting out of hand. In regard to law and order, he is supposed to be in very close touch with the situation in the districts; and, in particular, in the case of communal or other movements which threaten the peace of any district in his division he acts as a co-ordinating authority between the Government and the district magistrates. A particular instance of that which I may mention was the Akali agitation. The districts mainly affected were those of the central Punjab, and I think practically every district of the Lahore division was affected. There the commissioner played an important part in co-ordinating policy. Then as a revenue officer he has certain appellate powers, he hears appeals from collectors in revenue and mutation cases. He also hears appeals in the case of appointments of malbardars (village headmen) and in the case of zaildars, who are more important local officials than the village headmen. He also hears appeals against their dismissal.

13. That is, I suppose, appeals from the collector?—Yes.

14. I think that gives a general view of it. Is there anything further you wish to add?—I should rather like to add a little, because the question of the necessity for commissioners is frequently raised, and I should like to set out what the functions of a commissioner are. With regard to local self-government, he has certain powers of intervention and appeal in regard both to district boards and municipalities. The budgets of district boards and of the more important municipalities are subject to his sanction, and it is part of his duties to supervise the general working of local bodies. That work has increased very largely of late years, and it has almost overtaxed his capacity of dealing with it. In the sphere of general administration he is the channel of communication between the deputy commissioner and Government, and he plays a very important part in checking the tendency to over-centralisation. If the commissioner were not there, there would be no buffer between the local government and the district officer, and the complaint, which is now often made, that government does tend to centralise and perhaps to interfere too much would certainly have very much more ground, if there were no commissioner, than it has at present.

15. I appreciate that the deputy commissioner working in the district will have his duties to do, under the orders, of course, of the Government, not only in the reserved but also in the transferred sphere. That is so, is it not?—Yes, he has very definite duties under the transferred sphere.

16. In the case of a transferred subject with the minister at the head, does the minister send through the department the instructions to the commissioner on their way to the deputy commissioner, or does he short-circuit?—The ordinary procedure is that any instructions of Government to the deputy commissioner in any department should go through the commissioner.

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20. On page 179* I see this reference to the Irrigation department: "The Irrigation department "(technically known as the Irrigation branch of "the Public Works department)". I think that is a reserved subject?—Yes.

21. I hardly like to ask so elementary a question, but I do not wish to put a leading question. Is it an important department in the Punjab?—An extremely important department, both to Government and to the people. It is very important to Government from the point of view of revenue. The department has added very largely to the land revenue of the province, and also to the revenue derived from what are known as occupiers' rates, which are charges for the use of water.

22. Some of the Commission had an opportunity last March to see the very large works at the head of

* Vol. X.

the Lower Chenab irrigation scheme. As I understand it, these great irrigation works really have a double reaction so far as finance is concerned; they not only earn what may be called a water rate, but they also influence the assessment of the land served by the irrigation scheme?—That is so. It is, of course, practicable and just that as soon as ordinary land dependent on rainfall is converted into irrigated land the land revenue should be increased, and that is invariably done. There is just one further point. The canals also have a very important bearing on the finances of the province because, as it happens, very large areas of Crown waste have been included in their scope, and Government has been able to sell those lands at very favourable prices. In fact, during the last few years the proceeds from the sale of Crown waste have very much reduced the need for Government to take loans for the purpose of capital expenditure either on canals or on other schemes.

23. When some of us went to Lyallpur it was pointed out there had been assisted migration to the district, and the land before the irrigation was effected had been to a large extent derelict?—That is so in the case of most of the canals, and not only the Lower Chenab.

24. I merely mentioned an instance I had seen.—Yes. The process is still going on; we are still colonising at the present time. We are now selecting colonists for the Sutlej Valley scheme of canals.

25. Is there considerable work to be done in the Punjab of a similar sort in the future?—When the lands on the Sutlej Valley canals are colonised, I think the scope will then be practically restricted to land that may be irrigated by two schemes. One is the Bakra Dam scheme, which would irrigate a large amount of land in the south-east of the province, and the other scheme is the Sind-Sagar Canal which, if it is found practicable to undertake it, would irrigate a lot of land in the north-west of the province. If those two schemes are ever taken in hand, then, when they are completed we shall have practically exhausted the scope for extension.

26. That is so far as construction goes. I apprehend a very great deal of strictness is necessary in administering these irrigation schemes when they have been carried out?—Yes.

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32. Tell us briefly how the Irrigation department is administered.—At the present moment there are three chief engineers, of whom one is concerned with construction. At the present moment I think the responsibilities are confined to the Sutlej Valley system of canals, which are under construction at present. The other two chief engineers divide the province between them, one taking the northern portion and the other the southern portion. In regard to irrigation, the chief engineers are also Secretaries to Government. Under them is a number of superintending engineers in charge of circles; they correspond more or less to the commissioners in the civil administration. Under the superintending engineers are executive engineers, who are in charge of divisions. The divisions do not correspond with districts; they are determined more by canals or branches of canals. The executive engineer within his division is responsible not only for the technical engineering side of the work, but also for the revenue side. He has under him various engineering officers on the one side, and he has also got under him some revenue officers on the other side.

33. Is that for collecting the water rates and so on?—Where the collection is left to them, yes. The collection is not generally done by the Irrigation department, but the assessment may be done by it; and when questions of supply arise, as to whether there should be any change, we will say, in the size of an outlet or in the rotation by which supplies are given, the revenue officer of the Irrigation department would investigate that side of the case.

34. Obviously with so large a staff, dealing (in some cases at a distance from the centre) with what must be to the cultivator an extremely important matter, the supply of water to his fields, you have a matter where there may be very strong temptation on the side of the recipient of the water to try to influence its just distribution. Can you tell us whether as a matter of fact the administration of the Irrigation department (I mean, of course, in its lower branches) is carried on free from corruption?—I do not think any department of Government is carried on free from corruption. The amount of corruption depends to a considerable extent on the opportunities on the one hand and on the inducements which present themselves for bribery on the other. In the case of the Irrigation department, water is a very valuable thing, and there are inducements for the cultivator to bribe the officials concerned. So far as is possible, the officers in control of the department do their best to check corruption, but I think I am correct in saying there are complaints that there is considerable corruption in the department. I do not say those complaints are more numerous than in regard to one or two other departments of Government, but there are such complaints.

35. It goes without saying, of course, that everybody does his best to check it, and I have no doubt when the matter is brought to book to deal with it sternly?—Yes.

36. I make the reflection because I should like to know if there is any comment to be made on it. This has been throughout, of course, a reserved department?—Yes.

37. So what you have told us, so far as it applies to irrigation, goes to show that the fact that a department is reserved cannot be said to be, as experience shows, a guarantee against what you have described?—I do not think so, no. As I say, the corruption depends largely on the opportunities and the inducements.

38. I should imagine that water in a thirsty land provides considerable opportunities and very large inducements?—It does.

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39. * * * Take the familiar question. In this province, has diarchy worked? Give us your own view about it.—I think from the first it was realised that it would be difficult to work diarchy strictly in accordance with the principles which were supposed to underlie it. It was found that the reserved and transferred departments touched each other at so many points that there must be constant co-operation and consultation between the ministers, on the one hand, in charge of the transferred subjects, and the members, on the other hand, in charge of the reserved subjects. It was also found in practice that the members wished, and found it useful, to consult the ministers, and the ministers found it helpful to consult the members, and gradually the tradition grew up that on important questions affecting Government there should be more or less a joint conference and joint discussion.

40. How has that worked out?—I think it has worked out extremely well.

41. May I see if I summarise the view correctly? If I follow, it might be put like this, that diarchy worked in watertight departments is very difficult to carry on, but if you could secure the sort of consultation and co-operation you describe, it is workable?—Yes; if you can secure the adjustments and compromises between the people responsible for working it, then it proceeds smoothly and without friction. On a question that touches both sides—perhaps the best example of that would be the Akali agitation—there must be co-operation.

42. I see it is referred to in the middle of page 192.* Will you just describe shortly why you say that is a good illustration?—The Akali agitation was largely

* Vol. X.

concerned with the management of Sikh places of worship and the endowments attached thereto. As such, it was a transferred subject, but as it developed it had very important reactions on Law and Order, and as such it vitally affected the reserved department of Law and Order.

43. So as I follow, the minister, who would be in charge of the transferred topic of religious endowments, could not handle the crisis so far as religious endowments were concerned as though it was his own special duty, but was bound to get into the closest contact with the member, who would be in charge of the department of Law and Order ?—Yes.

44. That is the point, is it ?—Yes ; and eventually, when a solution was found, it was found by constant consultation between the two sides.

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46. *Lord Burnham* : I have one question to ask in continuation of the witness's last piece of evidence. I should like to ask him whether he wishes us to understand, as his considered opinion, that in spite of any theoretical objections the system of diarchy has proved a workable and satisfactory compromise in Government in this province ?—I think all I would be prepared to say is that owing to the reasonableness of the members and ministers who have had to work the system, it has been possible to work it satisfactorily and without friction.

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48. *Captain Sikandar Hayat Khan* : May I ask you, with regard to the functions of the commissioners, whether the appeal lies always with the Financial Commissioner ?—Do you mean in revenue cases ?

49. Yes.—I am afraid I could not say off-hand, but I should say in most cases an appeal would lie to the Financial Commissioner, not in all cases.

50. With regard to the village headman, does the appeal lie to the Financial Commissioner ?—Yes, generally.

51. In certain cases I believe there is an appeal from the assistant collector to the deputy commissioner, and then another appeal to the commissioner, and a revision or appeal to the Financial Commissioner ?—Yes.

52. That means three appeals in revenue cases ? —Yes, but the right to make appeal is not always exercised, and the fact that there is an appellate authority between the collector and the Financial Commissioner very much reduces the appellate work of the Financial Commissioner.

53. I suppose you were chairman of your district local board ?—Yes.

54. Have you had any experience where the commissioner has turned down the budget of the district board ?—I have had experience where he sent it back and asked for it to be reconsidered.

55. On a technical ground ?—On the general ground of finance, that the local board was either overestimating its income, including in it sources of income which were not there, or that it was exceeding its resources on the side of expenditure.

56. I believe you will bear me out that nearly all the district boards rely more or less on Government grants for carrying on their work ?—I would not go so far as to say that. A considerable part of their income is derived from Government grants.

57. If I remember aright, there is only one district here in the Punjab, and that is at Lyallpur, which is solvent without the help of the Government grant ? —Quite so.

58. All these grants are allocated by the Government ?—Yes.

59. And sent to the commissioner. He has got no hand in distributing those grants or fixing them amongst the districts. It is the Government who decides about the allocation of those grants ?—Well, of course, these are questions which Mr. Beazley would be the more proper person to deal with, but I think I can give some answer to them. When I was Finance Secretary, the duty was definitely imposed by Government on the commissioners to see that the grants are properly expended, and are not diverted, as is not infrequently the case, to purposes for which they have not been given, and in the recent examination of the resources and requirements of district boards I think I am correct in saying that the commissioners have taken a not unimportant part.

60. That check over expenditure is also done by another agency, and that is the Local Fund Audit department ?—I think the functions of audit are rather different from the functions of supervision by the commissioner.

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65. *Captain Sikandar Hayat Khan* : With regard to diarchy, did I understand you correctly that it was not the merit of the system, but the personal element which made a success of it in this province ? —That was the impression I desired to convey ; or, rather, that if the personal factor had not contributed towards the adjustment required by diarchy it might easily have broken down.

Lord Burnham : I understand it entirely in the latter sense.

66. *Raja Narendra Nath* : At page 190,* para. 36, you describe the ministers and the members that have been appointed since the Reforms scheme was introduced ?—Yes.

67. In each council, each community was represented either in the Executive Council or in the ministry ?—Yes.

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72. Will you give us your view as to paragraph 42, page 194 * ?—I was then a district officer, and I am afraid I had no knowledge either indirect or direct of that matter.

Raja Narendra Nath : This fact was brought to the notice of Government by a memorial submitted by 26 members of the council in August, 1922, and some correspondence took place between me and Government. May I put that on the file, sir ? The fact is not mentioned in the Report.

The Chairman : Perhaps you will let me see the file,† and I will see what the fact is.

Raja Narendra Nath : Very well, sir.

73. *Dr. Narang* : With respect to the commissioners, do you know that in the council several times speeches have been made asking for the abolition of the office of the commissioner ?—That is so, yes.

74. These powers which the commissioner exercises he has exercised both before and after the introduction of the Reforms scheme ?—That is so.

75. No reduction in his functions has taken place since the appointment of ministers for local self-government, or other ministers ?—Not so far as I can remember at the moment, but I would like to make it clear that the view of Government is that since the Reforms both his responsibilities and his usefulness have very much increased.

76. Has it not been said very often from the council benches that he is only a sort of post office between the Government, whether on the reserved side or on the transferred side, and the district officer ?—That has been said by some members of council from time to time. It has not been accepted by other members of council, and it is not accepted by Government, and the experience of Government is that as soon as a commissioner begins to treat himself as a post office difficulties begin to occur in his districts.

77. But would you admit that there is a great deal of duplication on account of various papers passing through the commissioner's hands, and consequently delay ?—There is a great amount of duplication in some departments of Government. Of course, there must be, when you have channels

* Vol. X.

† *Vide* Appendix, page 68.

through which correspondence must pass, but the extra work involved and the extra expense are not necessarily great. Nobody requires a commissioner to do more than endorse routine matters, but when there is a question that comes up on which his advice is valuable and is required, then he is supposed to send that up with his own views and opinions.

78. One question about financial initiative. It is intimately connected with the distribution of portfolios, and therefore I shall first ask you whether the ministers in charge of transferred subjects have the power of initiating expenditure. I hope my question is clear?—What do you mean by "initiating"?

79. Suppose a minister wants to introduce some scheme for the benefit of the nation, a nation building scheme, can he earmark a certain amount of money out of the total revenue of the province for that purpose without taking authority or approaching the Finance Member or the Governor?—Neither the member nor the minister can earmark. Whether it is ordinary or new expenditure, no authority can pass expenditure where voted supply is required except the legislative council.

80. Excuse me, that is really not clearing up the whole position. Is there any difference in the matter of spending any portion of the revenue between the powers of the Finance Member, for instance, and the Minister for local self-government?—None whatsoever, the difference being that the Finance Member as such—I am not referring to him as being also in charge of the Home portfolio—has practically no powers at all of sanctioning expenditure.

81. That I know, that everybody knows; but making original proposals, even?—The Finance Member, no. It would be for the minister in charge of a particular department to put forward a scheme for consideration involving expenditure.

82. Put it before whom?—It would then be necessary for that scheme to be examined by the Finance department, which, after very careful examination, would advise on it. I think that is laid down in the Devolution Rules of the Government of India Act.

83. They can throw out the proposal?—No, the Finance department has no authority to throw out a proposal at all. They might advise against it. The minister concerned if he did not wish to accept the advice of the Finance department, could then take the scheme up to the Governor; it could be discussed in council and that would be the ordinary course of procedure. The Finance department has no authority whatsoever for throwing out the scheme in the sense of final rejection. They may advise in favour of or against the scheme.

84. You mean to say that a minister other than the Finance Member can put in a scheme directly before the Council for the sanction of any funds?—Not until after the scheme has been examined by the Finance department and the advice of the Finance department has been given.

85. *The Chairman*: When you use the word council, what do you mean?

Dr. Narang: The Punjab Legislative Council.

86. *The Chairman*: Not the Executive Council?

The Witness: I mean the Executive Council.

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87. *Dr. Narang*: What is the constitution of the Finance department? Does it mean the Finance Member only or anybody else beyond the Secretaries? What is the Finance department here corresponding to the Treasury in England?—There is first of all the honourable Member for Finance, there is a Secretary and in addition a financial adviser who is for all practical purposes an additional secretary. There is a deputy secretary and there is of course a number of clerks and assistants and so on.

88. What I want to know is whether any member of the Government other than the Finance Member forms part of the Finance department?—No.

89. Only the Finance Member and his secretaries form the Finance department?—Yes.

90. Can you give me one instance in which a proposal initiated by a member of the Government in charge of a transferred subject and rejected by the Finance department was sanctioned by the Executive Council as such?—I could not give you the examples here without revealing the proceedings of the executive council. I cannot do that. But I can tell you as Finance Secretary I saw a considerable number of cases in which there was a difference of opinion between the Finance department and the member or minister—it was not necessarily always a minister. The ordinary course pursued before it went into the Executive Council was for the Finance Member and the minister concerned to discuss the case between themselves and as a result of that discussion it was very rare indeed for the minister himself to press for that case to go into the executive council.

91. Thank you. There is one more question in connection with this matter. There is a Standing Finance Committee of the legislative council?—That is so.

92. Is that consulted before the Finance department arrives at any decision?—Occasionally the Finance department will think it desirable to take the advice of the Standing Finance Committee on a particular scheme, but not as a rule.

93. Not as a rule?—It has the power to refer a scheme to that committee. It would be quite impossible to work in this way as a rule. The Finance department is examining schemes of this sort every day; it spends its whole time doing it, and the work of Government would be held up if every scheme were to be referred to the Standing Finance Committee.

94. The function of the Finance committee of the legislative council extends only to the consideration of the proposals which the Finance department may choose to put before it?—Not which the Finance department may choose. The prior consideration of schemes is limited to that, but the Standing Finance Committee's chief and most important function is to advise on schemes that have been accepted by Government (not by the Finance department) and have been included in the schedules of new expenditure and which it is proposed to lay before the legislative council. Before they are laid before the legislative council, the advice of the Standing Finance Committee is taken on these schemes.

95. But not before the Government has approved?—Not generally. If there is a case which is a doubtful one, the advice of the Finance committee is taken.

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97. With reference to the deputy commissioner is it a fact that he is the collector of the district?—Yes.

98. District Magistrate?—Yes.

99. Appellate court in criminal cases?—Yes, in some cases.

100. Also an appellate court in some revenue cases?—Yes. He may be an original or appellate court.

101. As an appellate court he hears appeals in some revenue and also criminal cases?—Yes.

102. He is also the chief excise officer of the district?—Yes.

103. Also the registrar of the district?—Yes.

104. Also the head of the Court of Wards?—Yes.

105. He is also the officer who has to deal with cases arising under the Land Alienation Act, the turning of sales into mortgages, and so on?—Yes, as collector.

106. He is also the officer who deals with questions arising under the Stamp Act?—Yes.

107. He is also the head of the police?—For certain purposes.

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109. The superintendent of police, who is the chief police officer in the district, may have to act under his orders in most cases?—Not in most cases, in certain cases.

110. He is also a jail visitor, not on his option but one of his duties is to pay visits to jails ?—Yes.

111. He is also the head in many cases under the Local Self-Government Act or has a great deal to do with the municipal government and the district board government ?—He is generally the chairman of the district board and he has definite functions of supervision over all local bodies in his jurisdiction.

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114. *Sardar Ujjal Singh* : With regard to the commissioners I would ask a question. Do you know that a committee of the Punjab Legislative Council was appointed to go into the question of retrenchment. That committee recommended that the posts of commissioner should be abolished or at any rate should be reduced to three ? Is that a fact ?—Yes.

115. Is it a fact that the Co-operative department is mostly official-ridden and it leaves little initiative to the members of the societies themselves ?—I have no reason to suppose that is so.

116. You very frankly stated that there is no department of the Government in which corruption is not prevalent. Has corruption increased or decreased during the last five years ?—I think that question is specifically dealt with in chapter X relating to the services, page 293* and paragraph 17.

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117. *Sardar Ujjal Singh* : * * * (To the witness)—You said that diarchy could work if both sides of the Government, that is, the reserved and the transferred sides, could accommodate themselves ?—I do not think that is what I have said. What I said was that on the whole it has worked in this province with smoothness and without friction, largely because of the reasonableness and the willingness to compromise of those who have had to work it. I think that is what I said.

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119. Can the Finance committee advise the Government in favour of incurring expenditure on any particular scheme ?—So far as I know that is not one of the functions within the powers of the Standing Finance Committee. But I think if the Standing Finance Committee expressed a desire that a particular scheme involving expenditure should be discussed in that committee, if there are not very good reasons to the contrary, it would be found possible to agree to their request.

120. But has there been any case in which the Finance Committee has advised the Government for expenditure on a particular scheme ?—So far as I know, there is no case in which the Standing Finance Committee has asked Government to be allowed to discuss a scheme of expenditure initiated by them ; the question has not arisen.

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124. *Rai Sahib Chaudhri Chhotu Ram* : Mr. Emerson, do you think that to the smooth working of diarchy in this province the reasonable attitude of the legislative council has always been a factor ?—I think it has been a very important factor.

125. With regard to the question of the commissioners being of help to the deputy commissioners, have you ever consulted the deputy commissioners as to what they think of the commissioners as to their usefulness ?—Without looking through the files I cannot give you a definite answer to that. My own recollection is that when I was deputy commissioner of Multan, I was asked to give my opinion on the general question. In fact, I actually know that I was asked and I gave my opinion emphatically that the commissioners should be retained. And one reason why I gave that opinion, which I had not the opportunity of mentioning before, is that the commissioner being a senior experienced officer is most valuable in giving advice and assistance to young officers—not always of the civil service for deputy commissioners are of the provincial civil service also —and at the present time when a large number of our districts are in charge of rather junior and inexperienced officers, both the Government and those officers find the commissioner most valuable.

126. Have any cases come to your notice in which deputy commissioners have complained about the inordinate delays that occur in the commissioners' offices ?—I cannot remember any such case. Cases of delay do occur in the commissioners' offices and I am afraid in Government offices as well. But these cases are certainly the exception and not the rule.

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128. *Rai Sahib Chaudhri Chhotu Ram* : Can you give us the powers which a minister possesses in order to maintain control and discipline over the members of the services who serve under him ?—That relates to services.

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Rai Sahib Chaudhri Chhotu Ram : My point is that the minister has very small powers, if any, to maintain discipline and control over the members of the services who serve under him.

129. *The Chairman* : What do you say to that, Mr. Emerson ?—He would have to exercise power of control and discipline through the heads of the departments concerned.

The Chairman : Let us take an instance—the Minister of Agriculture. Let us assume—I think that is the Rai Sahib's suggestion—let us assume an occasion arises when he thinks that he ought to exercise discipline over some subordinate in the agricultural department. I am not quite clear what the point of criticism or interest is.

Rai Sahib Chaudhri Chhotu Ram : I will just quote one specific instance.

The Chairman : We do not want to mention names.

130. *Rai Sahib Chaudhri Chhotu Ram* : Not names, sir, but only an instance. Is it not a fact that a minister cannot even censure a member of the provincial service or an Imperial service without the concurrence of the Governor ?—That is so.

131. *The Chairman* : Can a member of the executive council ?—He cannot, he is exactly on the same footing.

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142. Now, Mr. Emerson, you have given a long list of work that is given to the commissioners. I take it that these are the paper duties, i.e. the duties under the various Acts, regulations and so on ?—I attach less importance to the duties that they have under certain Acts, i.e. their statutory duties, than I do to their general duties of advice and supervision.

143. I therefore take it that you base your opinion regarding the retention of the commissioners on the broad ground that being a senior officer, the commissioner is necessary to advise the district officers ?—He is useful.

144. Is not that a temporary phase in your province. We were told that there were a large number of junior officers serving in your province and it was therefore necessary to have the advice of the commissioner. Do you not regard that only as a temporary phase ?—We hope it is only a temporary phase.

145. Therefore this is not a question of retaining the commissionership permanently ? The mere fact that at present you are so situated that you need the advice of the commissioners does not touch the large question whether the retention of commissioners is justifiable or not on *a priori* grounds ?—What I said was that when there are more junior officers in charge of the districts the advice and assistance of the commissioners are more valuable. I did not say that their advice was neither necessary nor valuable when senior officers hold charge of the districts. Even then their advice is still necessary and valuable.

* Vol. X.

146. Can you give us a concrete example to show that the absence of such advice would be detrimental to the administration of the division or the district ?—Such examples are constantly cropping up.

147. Can you give me one or two concrete examples ?—We had some trouble during the summer in the south-east of the province. The advice and assistance of the commissioner was very valuable at that time.

148. To whom ?—Both to the Government and to the district officer.

149. You think that the district officer is not competent to give that advice ?—I am making no implication against any district officer.

150. I merely put it to you whether that advice was not superfluous and whether the district officer himself could not have given that advice in the case which you have mentioned ?—He might have done, but might have done the wrong thing.

151. It is equally possible that the commissioner might have done the wrong thing ?—Quite so.

152. Consequently nothing turns on the fact that you have got a person who can give advice ?—Being an experienced officer the commissioner is more likely to give the right advice.

153. With regard to Section 30, is it not a fact that the Legislative Assembly when dealing with the Criminal Procedure Code Amendment Bill of 1923 wrote to all governments asking them to reconsider the question whether the magistrates empowered to try cases under section 30 should not be done away with and to state whether the modern system of criminal procedure could not be followed in all the provinces ?—Yes.

154. I only want to know whether the powers under section 30 are exercised not only by the deputy commissioners as a rule but also by those who are specially empowered ?—Yes ; they are not confined to the district magistrates.

155. As regards the appellate powers, are they given to senior magistrates ?—Not in many districts.

156. But in some districts they are ?—I should say that at present there are additional district magistrates with appellate powers in six or seven districts.

157. The principle has been introduced and is in force?—Yes.

158. As regards corruption in the Irrigation and other departments of Government, do you think that it runs through the higher ranks of the service ?—No, certainly not.

159. It is only confined to certain ranks ?—Yes. I want to make it quite clear that it is not general even amongst the subordinates. I do not wish to suggest that it is general amongst the subordinates or that it is worse in the Irrigation department than in several other departments.

160. Possibly the temptation in the Irrigation department being greater, there is more corruption in that department, other things being equal ?—I would say there are more complaints in regard to that department.

161. But they are all confined to the subordinates of the department ?—The complaints are generally against the subordinates.

162. Consequently the question does not arise whether it is a reserved or transferred department ?—I do not wish to suggest that it is either better or worse because it is a transferred department or otherwise.

163. I only wish to know whether it is confined to the lower ranks only and does not extend to the superior services of the Irrigation department ?—Yes.

164. *Sir Zulfiqar Ali Khan* : You are aware that there is a general impression in the country that the retention of the commissioners in the scheme of administration is not of any value ? Do you think that in spite of this idea on the part of the general public you should still retain the commissioners in the scheme of administration ?—My recollection is that this question was last debated upon in the council—I speak subject to correction—and that the motion was either withdrawn or defeated.

Chaudhri Zafrullah Khan : The motion was ruled out of order on the ground that under the Land Revenue Act the Government was in duty bound to appoint commissioners and that unless the Act was amended this motion could not be allowed. Then there was a discussion with regard to the staff of the commissioners.

165. *Sir Zulfiqar Ali Khan* : You think that in the interests of good administration the retention of the commissioners is necessary ?—I do, yes.

166. You think that the increase in the volume of work at the head-quarters necessitates the desirability of keeping these commissioners as a necessary link between the local Government and the deputy commissioners.—I think that if you do away with the commissioners the tendency to centralise would be much more obvious than at present ; it will be much greater than at present.

167. Do you think that in order to supervise the deputy commissioners it is necessary to have an intermediary officer between the local Government and the deputy commissioner ?—I do not think I have said at any time that the chief function of the commissioner is to supervise the deputy commissioner.

168. Supposing the deputy commissioner is acting in a manner in which the public are not quite satisfied and supposing complaints are made to the local Government against him, do you think that the Government can themselves deal with them ?—It will be extremely difficult for the local Government to find any officer who would examine into the truth or otherwise. The Government at head-quarters would have nobody to send. Under the present circumstances the commissioner would be the obvious person to whom the Government would refer for further information or for an enquiry if an enquiry was desired.

169. What I wanted to know definitely was that under these circumstances direct dealing by the local Government with the deputy commissioner would not be advisable ?—In the opinion of Government it would not be advisable under the circumstances.

170. In the Irrigation or any other department you think that corruption is a necessary evil ?—I do not think I have said so.

171. Corruption could not be altogether elimated ?—I think the view generally taken by Government is that Government agency alone cannot eliminate it. It is mainly a question of sound and healthy public opinion. I do not think that Government has ever said that it cannot be eliminated.

172. With regard to diarchy, you think that the system has worked very satisfactorily ?—I do not think I said so. I said, so far as I remember, that the system of diarchy, as it has been worked in this province, has worked with smoothness and without friction largely because of the reasonableness of the people who have had to work it and I would like to add—it is a very important factor which I did not mention—that it is also due to the personality and the ability of the Governors who have been in charge of the province.

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176. *Sardar Shivdev Singh Uberoi* : With regard to corruption, in which department is it worse, the Police or the Public Works or the Irrigation ?—I cannot say in which department corruption is worse. I do not think anybody knows.

177. What is the general impression among the public ?—I really cannot say what is the general impression.

178. You said that it is general in the subordinate ranks of the Irrigation department ?—I do not think I confined my remarks to the Irrigation department, all services.

179. Do the sub-divisional officers of the Irrigation or the Public Works department come in the subordinate services or in the higher grades ?—I should perhaps explain this just to avoid any misunderstanding. When I used the term " subordinates " I

used it in the non-technical sense and meant the low paid members of the services. I did not use it as a technical term. Our services are divided into all-India, provincial and subordinate services. The subordinate services include a large number of officers who are fairly highly paid. I do not for one minute wish to suggest that among the members holding responsible posts in the subordinate services corruption was general. I should like that misunderstanding cleared away.

180. Does it come to this that among the low paid staff of the service corruption is most rife ?—The complaints are to that effect.

181. Is it not on account of the fact that they are low paid or is it on account of the fact that they are in a power to give undue benefit to the man who offers the price ?—I should say a combination of all these factors.

182. *Sir Arthur Froom*: With regard to diarchy, you said that it worked with smoothness and without friction owing to the reasonableness of the gentlemen forming the Government, the members of council and the ministers.

The Chairman: And the general attitude of the members of the legislative council and the public ?—Yes.

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187. *Captain Sikandar Hayat Khan*: Can you tell us whether the ministers acted on the principle of joint responsibility during your experience of the council ?—I am not aware of it personally. I am not aware whether there was a private arrangement or there was not a private arrangement of that kind.

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APPENDIX.

(*Vide* Dewan Bahadur Raja Narendra Nath's remark below question 72 (p. 64).)

To,

His Excellency the Governor, Punjab.

Sir,

We the undersigned members of the Legislative Council approach Your Excellency to point out certain defects in the working of certain transferred Departments—defects which have come into prominence since the introduction of the Reforms Scheme, and respectfully suggest certain remedies which we hope will receive proper consideration by Your Excellency.

2. The memorable declaration in Parliament of 20th August, 1917, and subsequent announcements by His Majesty the King-Emperor, lay down the policy of gradual development of self-governing Institutions in India, with a view to the progressive realisation of responsible Government. Self-governing Institutions mean representative institutions. Government through them is Government through representatives chosen by the people and responsible to them. This system of Government should not be allowed to degenerate into one causing communal rivalry or hatred, by giving undue advantage to a community in majority over communities in minority. To guard against this evil His Majesty, in the instructions issued to Governors, thought it fit to commit to their care the interests of minorities. (Para. (7) (2) of the instructions.)

The heterogeneous nature of the Indian population is a well known fact, and has necessitated the tentative introduction of communal representation which the report on Constitutional Reforms describes as "opposed to the teaching of History, perpetuating "undesirable class divisions."

3. The Sikhs and Hindus form separately very important minorities, both in the population and in the Council; and there is grave danger that a minister supported by a majority which consists mainly if not solely of Muhammedans, may launch on an administrative policy, prejudicial to the interests of the minorities, a policy which cannot infuse into the people "such habits of political action and respect "for such conventions as will best and soonest fit "them for self-Government." (Preamble to His Majesty's Instructions.)

We have every confidence in the assurances given by the Parliament and by His Majesty that responsible Government will be fully developed in India at no distant date. The demand for rapid advancement towards the goal is spreading and may before long become irresistible. Hesitancy in changing the trend of administration which is now proceeding on wrong lines, and is aggravating or perpetuating class divisions, may lead to serious consequences.

The working of mutually adverse forces leads to rupture or breakage of particles in the physical world, and the result under similar conditions in the social or political world is analogous. The desire for self-Government on the one hand, and fresh obstacles in the way of harmony between different communities, may lead to revolution and anarchy. It would be the height of unwisdom to do nothing to check a policy which carries the idea of class divisions to unreasonable lengths. The realisation of this truth led His Majesty to enjoin on your Excellency the desirability, nay, the necessity, of creating right habits of political action. It would be a travesty of Representative Government if a minister supported in the Council by a majority consisting mainly of one community frames a policy prejudicial to the interests of minorities.

5. There are certain orders of the Honourable Minister for Education which have created serious discontent among non-Muslim communities. We enumerate some of them below :—

1. The order introducing communal representation in admissions to Medical College and Government College, in place of the former rule which regulated admission solely on merit.
2. The orders dispensing with the services of non-Muslim temporary Assistant Surgeons, without regard even to the Military Services of some of them.
3. Orders as to appointments, permanent and officiating, in the Education Department.

6. Medical College is an institution which prepares young men for the medical profession. To those who pass there is no guarantee of Government appointments. Government College is an institution for liberal education. Its alumni may take up government service, any of the liberal professions, or may take to trade, or any business in life. Admission to this college is sought by young men belonging to respectable families who do not care to go to denominational colleges. The Indian people are on the road to responsible self-Government; the old traditions of a patriarchal system of Government should change; in any case, it is a mistake to carry class divisions to unreasonable lengths, and to introduce them for admission to colleges in which the character of coming generations is to be formed. Habits of concerted action are not likely to be created in young men who, at the very threshold of their University career, learn lessons of class division and consequent class rivalry and hatred. Does Your Excellency think that Your Excellency's Government will be acting up to the letter and spirit of His Majesty's Instructions if these orders are allowed to stand ? We hope that Your Excellency will agree with us that this is not the way in which young men should be brought up from whom political action as "will best and soonest fit them for self-Government" is to be expected. Whether there is any justification or not for fixing percentages on a communal basis, for recruitment in public services, we strongly protest against allowing the rule of communal proportions to govern the admission of young men to educational institutions. We therefore earnestly request, that this order of the Honourable Minister, which carried the questionable principle of communal divisions to absurd lengths, and which violates flagrantly the letter and spirit of His Majesty's Instructions, for the faithful carrying out of which Your Excellency alone is responsible, should be cancelled forthwith. A reference to para. 5 of the report

of the Joint Select Committee will show that " in " circumstances indicated in the instruments of " instructions " Your Excellency can act against the advice of ministers and even of the Executive Council.

7. We further request that Assistant Surgeons who volunteered for military service and whose offers were accepted should receive preferential treatment to all others in respect of permanent appointments, and that vacancies occurring in future should be filled up by them in order of seniority before fresh recruitments are made to the Medical Department from the alumni of the college. With regard to officiating and permanent appointments, made in the Education Department, our prayer is that a board of 4 non-official members of the Council be appointed, consisting of a Hindu, a Muhammedan, a Sikh and a Christian, with one European official, to examine the cases of all officiating and permanent appointments made, with a view to ascertain if these involve any unjust supersession of existing incumbents, in the various grades of the service, in order to report to Your Excellency that the deserving men already superseded should no longer be superseded and should get officiating or permanent appointments at the earliest opportunity.

8. Government may be at liberty to dispense with the services of the holders of temporary appointments at any time that it chooses, but it is unjust and unfair to pay no consideration to the highly commendable sense of patriotism and loyalty of those who at a time of imperial need volunteered for service abroad. We understand that there was explicit promise of preferential treatment held out to those who undertook the risk and danger of military duty. We have already observed that we may not at present find fault with the rule of communal proportions in services within reasonable limits but we cannot lay too much stress on the desirability of guarding vested interests. If the Assistant Surgeons who volunteered for military service had known the strict enforcement of the rule of communal proportions, they would not have volunteered in large numbers. They would have observed these proportions in their voluntary offers. Amongst those who had the courage to come forward the Sikhs would not have exceeded the proportion of 20 per cent. Similarly for educational services; the present incumbents of offices in the various grades did not and could not foresee the operation of the rule of communal proportions on their promotion. They entered service at a time when this rule did not exist. They should not be allowed to suffer by the introduction of this rule. It is a well-recognised principle of administrative justice that when changes are made in the conditions of service scrupulous regard is paid to the interests of the present incumbents. An instance in point is the option, given to members of the Indian Civil Service, to retire on proportionate pension if they do not wish to serve under conditions introduced by the Reform Scheme. In the case of the members of the Educational Service changes introduced affect their promotion, taking away from them the reward of their exertion and good work in the past.

9. Circumstances have come to light which enable us to raise a constitutional point of vital importance. It is an essential requisite of the dyarchical system of Government that its constituent parts should work in perfect harmony with one another. As to the relations between that part of Government for which the Governor is responsible to Parliament, and the part which is to be carried on with the advice of Ministers responsible to the Council, we find the following passage in paragraph 5 of the report of the Joint Select Committee. " The Committee will " indicate in the course of this report, how they " visualise the relations between the two parts of the " Government, but they wish to place in the fore- " front of the report that they see no reason why the " relations should not be harmonious and mutually " advantageous. They regard it as of the highest " importance that the Governor should foster the " habit of free consultation between both halves of " his Government and indeed that he should insist " upon it in all important matters of common " interest."

As to the mutual relations of ministers we find the following observation of the Joint Select Committee on clause 4 of Government of India Act, 1919 (9 and 10 Geo. V., Ch. 101) :—

" The Committee are of opinion that in no province " will there be need of less than 2 Ministers, while in " some provinces more will be required. In these " circumstances they think that it should be recog- " nised from the commencement that Ministers may " be expected to act in concert together. They pro- " bably would do so; and in the opinion of the " Committee it is better that they should and there- " fore that the fact should be recognised on the face " of the bill."

The gist of the whole report and the essential feature of the reforms scheme is that " for all important " matters of common interests " the entire Government is to be considered as an indivisible and inseparable whole. We have not the least hesitation in saying that to carry to extreme limits the principle of communal representation which the framers of the constitutional reforms introduced with considerable hesitation is an " important matter of common " interest " on which should be brought to bear the " joint wisdom " of the whole Government.

We have noticed that the Honble. Lala Harkishan Lal, in his evidence before the Frontier Committee, expressed disapproval of the principle of communal representation. He cannot possibly be conceived to be the supporter of a policy which applies the principle of communal representation to admissions to educational institutions, and in respect of appointments, applies it in complete disregard of the rights of existing incumbents of offices in various grades, and ignores the just right to preferential treatment of those who rendered highly commendable military service. The orders of the Minister referred to in paragraph 5 (1), (2) should be set aside on the additional and weighty ground that they have not the unanimous support of the Ministry as a whole.

10. To the course proposed in the preceding paragraphs we anticipated an objection. Your Excellency will probably require us to move a resolution or resolutions in the Council, covering all or some of the matters mentioned in this representation. There is, however, one difficulty in the way of our doing so, and unless it is removed it is futile for us to seek any remedy from the Council. In paragraph 233 of the report on Indian Constitutional Reforms the following passage occurs :—

" We wish to see the convention established, " though we propose to lay down no rule on the point, " that on the subjects transferred to the control of " Ministers, the official members of the Legislative " Council would abstain from voting, and leave " decision of the question to non-official members of " the Council. On other matters, except on oc- " casions when the Government thinks it necessary " to require their support, the nominated official " members of the Legislative Councils should have " freedom of speech and vote."

In the Punjab we have failed to observe any freedom given to officials as to the manner in which they should vote. In their solicitude to secure harmonious working between the transferred and reserved departments, they give their support to every motion put forward by the ministers, thereby unconsciously creating a pillar of strength for a minister who chooses to give communal bias to his policy. Numerous instances could be given from the Council proceedings which would convince Your Excellency that officials have no freedom of speech or vote. We need not worry Your Excellency with details. The controversy carried on in newspapers with regard to the policy of the honourable Minister for Education must have come to Your Excellency's notice. It is necessary to make a thorough inquiry into the matter. The Board that is proposed, will be quite independent and free from communal bias. In conclusion, we

give expression to a hope that Your Excellency will receive and consider this representation in the spirit in which it is conceived and presented. It is needless to remind Your Excellency that all political schemes, conventional or constitutional rules, should be so worked as to allow no violation of fundamental principles of Justice, and to create no obstacle in the way of political advancement of society.

	NARENDRA NATH
	SEWAK RAM
RAJA SINGH	HARI CHAND
SANGAT SINGH	THAKAR DAS
RAGHBIR SINGH	PANNA LAL
HARDIT SINGH BEDI	BANS GOPAL
LAL SINGH BODHI	MOTI LAL (Kayasth)
GOPAL SINGH (Labana)	ATMA RAM
BALWANT SINGH	DAYA RAM
HARA SINGH BEDI	KHARAK SINGH
	LAJPAT RAI
	MANOHAR LAL
	GANPAT RAI
	BELI RAM
	GHASI RAM
	MISSAR MELA RAM
	UTTAM CHAND
	BALBIR SINGH (Yadhava)

D.O. No. 3797-S.

Dated Simla, the 5th of September, 1922.

My dear Raja Sahib,

I have laid before His Excellency the Governor (Sir E. Maclagan) the representation signed by eighteen Hindus and eight Sikh members of the Legislative Council which you handed to me in Lahore on the 10th of August.

2. In that representation you have suggested in regard to certain orders passed by the Punjab Government (Ministry of Education) regarding admissions to two institutions—the Medical College and Government College—that His Excellency should interfere in accordance with the directions contained in the Instrument of Instructions from His Majesty the King-Emperor in which it is laid down that it is His Excellency's duty to protect all interests from unfair treatment. In regard to orders affecting appointments in the Education Department, you ask that a committee of members of the Legislative Council should be appointed to examine all such appointments made and should report to His Excellency. You have further asked that Assistant Surgeons who volunteered and were accepted for military service, should receive preferential treatment to all others in respect of permanent appointments, and that vacancies occurring in future should be filled up by such Assistant Surgeons in order of seniority before fresh recruitment is made to the Medical Department.

3. In regard to the first of these requests, I am desired to point out that while under the Instrument to which you refer it is the duty of the Governor to protect all interests from unfair treatment, it is also his duty under the same Instrument to secure the advancement of classes which are educationally or otherwise in a backward condition. It may not be always easy to reconcile these two duties, but in the two orders mentioned by you there appears to His Excellency to be nothing to necessitate his departing from the ordinary principles regulating the constitutional relations of the Governor to a Minister who has the support of the Legislative Council. The action suggested in your memorial is of a kind which could only be justified by circumstances of a much more urgent and convincing character than those alluded to in your representation. The orders, moreover, to which you refer, were passed nearly a year ago and one of them is merely a modification of a similar order passed by the Local Government in June, 1920.

4. In respect of the appointments made in the Education Department certain information was placed before the Legislative Council on the 11th August last in reply to questions 1832–1834 and certain data were published by this Government in a *communique* dated the 23rd August. There is nothing in the information there given or in any further information before Government which give His Excellency grounds for holding that the appointment by His Excellency of a Committee of the kind you suggest is called for. He regrets therefore that he is not prepared to act on the suggestion which is made in that representation.

5. With reference to the suggestion made in your third proposal I am to say that the promise of preferential treatment applies to those Assistant Surgeons who volunteered under the Medical Department circulars in 1917, and it is understood that it is to them that you refer. It is believed that the interests of the Assistant Surgeons in question have (except so far as concern the case of five non-volunteers who were restored to their original positions on the list of temporary Assistant Surgeons for very special reasons) been already safeguarded in the manner suggested, vacancies having been filled up by them in order of seniority without reference to communal considerations. If, however, there should be any instances in which this is not believed to be the case, I should be much obliged by your bringing them to the notice either of myself or of the Ministry of Education with a view to a further enquiry.

6. His Excellency recognises that under the system of Reforms recently introduced your position and that of those who hold with you is not free from difficulty, and he is anxious that there should be no ground for complaint as to unfair treatment of any class or community, but he considers that the circumstances set forth in your letter are not such as to justify the employment of extraordinary measures outside those which are within the scope of the Legislative Council itself.

Yours sincerely,

H. D. CRAIK.

To

Diwan Bahadur Raja Narendra Nath, M.L.C.,
" Fairfields," Ferozepore Road,
Lahore.

Afternoon.

Mr. H. W. EMERSON, C.I.E., C.B.E., I.C.S., Chief Secretary to the Government of the Punjab—*continued.*

* * * * * * * * *

1. *Chaudhri Zafrullah Khan*: I should like you to supplement the information contained in paragraphs 16 and 17 (chapter VIII of the memorandum, part I, page 185*) by supplying the Conference with a little more information on this topic than is contained in those two paragraphs. Paragraph 17 explains to what extent the district magistrate is head of the police. I do not want you to repeat that, for it is very concisely stated; but will you inform the Conference to what extent he is also head of the prosecuting agency?—As district magistrate, acting through the public prosecutor or other Crown prosecuting agencies, he is, in theory at any rate, responsible for the proper prosecution of important Crown cases.

2. I take it that as head of the police he is responsible for the prevention and detection of crime; as head of the prosecuting agency he is responsible for prosecuting offenders successfully (at least so far as he is concerned) and as head of the subordinate

* Vol. X.

justiciary he is responsible for administering law and justice ?—Would you mind repeating that ?

3. As head of the police he is responsible for the prevention and detection of crime ; as head of the police I mean, to the extent described in paragraph 17 ?—I do not think he is responsible for the detection of crime. He is responsible, as this statement says, for the general security of the district, which is something rather more general than the prevention of crime.

4. Shall I say with the maintenance of law and order ?—Yes.

5. When there is a breach of order he is responsible for or interested in seeing that the breakers of the law are properly prosecuted ?—Yes.

6. And as head of the magistracy of the district he is also responsible for the actual administration on the judicial side of criminal justice ?—I think that wants to be considerably qualified. If the suggestion is that when the accused persons are put before the court he is responsible for seeing that they are convicted, that is not correct.

7. I did not say convicted ; I said properly prosecuted ?—That they are properly prosecuted, yes ; but you made a statement about his also being responsible for the administration of justice. Once the case goes into the court of a subordinate magistrate it is outside his direct jurisdiction, and if there is any representation as regards the prosecution that he wishes to make his proper course is to make it through the public prosecutor.

8. Then I take it that if during the criminal proceedings before the magistrate the public prosecutor is faced with a position where he feels he ought to obtain directions or instructions with regard to the prosecution, he would seek them from the district magistrate ?—If he felt it necessary to seek instructions he would get them from the district magistrate, yes.

9. In that way the district magistrate would be familiar with the facts of all the more important criminal prosecutions going on in his district ?—No. I should say, at a rough guess, that in the Lahore district the number of criminal cases each year must amount to about 15,000, but the number of cases with the facts of which the district magistrate was familiar would be very small indeed ; it would be a very small proportion indeed of the total.

10. Take the case of a prosecution involving some important question of principle which happened to be tried by a second class magistrate. In the case of conviction, the appeal would go to the district magistrate himself ?—For the district magistrate to express any opinion in a case of that sort, would be extremely rare. Personally I do not remember any second class case that was ever brought to my notice before or during its trial, but if before the case had come to him on appeal the district magistrate had given any directions in regard to it, or had had anything to do with its investigation or any personal knowledge of it, the proper course for him would be not to hear the appeal, and in practice a district magistrate, I think, would not hear the appeal in such circumstances.

11. *The Chairman* : May I interrupt for a moment ? As far as you know, are there written instructions to that effect in this province ?—I am afraid I could not answer that off-hand. I should think almost certainly there are instructions to the effect in the rules and orders of the High Court that as a general principle, a magistrate who has personal knowledge of a case should not try it in any capacity, either originally or as an appellate court.

* * * * * * * * *

12. *Chaudhri Zafrullah Khan* : Now with regard to these appeals, of course, we understand that appeals from the second class magistrates go to the district magistrate, and those from the first class magistrate go in the majority of cases to the sessions judge ?—Yes.

13. Could you give the Conference any idea as to the proportion of appeals accepted by the sessions judge, and those accepted by the district magistrate ? —I am afraid I could not. I have not those figures.

14. Have cases occurred in which it has been discovered that subordinate magistrates have consulted the district magistrate as to intermediate orders which they are called upon to pass during the course of criminal trials ? For instance, an accused person might have made an application for bail ; the matter is argued out before the learned magistrate, and the magistrate then goes to consult the district magistrate whether or not he should grant bail ?—I think one particular case was mentioned during a recent debate in the council. Beyond that particular case I have no personal knowledge of any others.

15. Have you any recollection that that case went up to the High Court, and that that is how the facts came out very recently ?—I believe it went up to the High Court.

Dr. Narang mentioned a judgment of the High Court—Chirarija Lal and The Crown.

16. *The Chairman* : I should be glad if you would let me have a copy of that judgment, so that I may read it.

Dr. Narang : Yes, sir.

17. *Chaudhri Zafrullah Khan* : I put it to you that in this province cases sometimes occur in which the duties of a district magistrate, as he conceives them, as prosecuting agency come into conflict with his magisterial duties. There was a recent case where the district magistrate tried the case originally himself, and frequently during the course of the trial he held a consultation with the prosecution witnesses and the public prosecutor in his private room before he went into court, in order to hear that very case, and when his explanation was called for by the High Court I have some recollection that his reply was that it was his duty to see that the case was properly worked out before it was put before him as magistrate in court ?—I do not think his explanation was quite that ; but the conduct of this particular officer is still *sub judice* and therefore I do not wish to discuss that particular case ; but as a general principle I would say that Government definitely accepts the proposition that a magistrate who is trying a case, and who at the same time regards himself as a prosecuting agency, is definitely violating a fundamental principle.

Chaudhri Zafrullah Khan : I did not ask you to express any opinion as to whether the action of the district magistrate was right or wrong ; I was merely asking whether the facts as stated are correct.

18. *The Chairman* : I think Mr. Emerson's answer is a fair one. He says he does not wish to state whether the facts are or are not as you suggest, and that on a ground which we all (and especially the learned gentlemen present) must sympathise with, namely, that the matter is actually *sub judice*. I think we shall all agree on this ; at any rate, I have not the slightest hesitation in expressing my own view, that it is not consistent with the proper administration of justice that a judicial officer should secretly consort with the prosecution, or with the defence for that matter. That is quite obvious.

The Witness : Yes.

19. As a principle that must be right ?—Yes.

Chaudhri Zafrullah Khan : My point is whether the learned magistrate did not take this line, that he conceived it the duty of the district magistrate to see that cases were properly worked up. That is all.

The Chairman : I take note of what you say, and I am quite prepared to deal with it on that basis if that fact is established ; but you are relying upon it only because it illustrates the general argument you are putting forward. I do not know, however, that it shows the way these matters are regarded generally ; it is rather the way in which this particular gentleman regarded his duties.

20. *Chaudhri Zafrullah Khan* : With regard to the conferring of higher powers on the magistracy, is it a fact that the superintendent of police communicates to the district magistrate, verbally or in-

writing, his opinion with regard to the work of a particular magistrate in a district, when the question of higher powers is under consideration?—Not so far as I know.

21. Does he give his opinion as to whether a particular magistrate is a weak magistrate or a strong magistrate?—Not so far as I know. There is no rule requiring it, and personally in practice I did not consult superintendents of police and I imagine most deputy commissioners do not follow that practice. There is no system of annual reports by which superintendents of police express any opinion about magistrates.

22. The question is whether there are cases in which such reports are made, whether it has come to your knowledge, not as a deputy commissioner yourself in any particular district?—No, it has not come to my notice.

* * * * * * * * *

25. * * * Have complaints been made or has the impression arisen that the conferring of higher powers on the magistrates depends, to a certain extent at least, upon whether the police or the district magistrate are or are not satisfied with the number of convictions and sentences inflicted by any particular magistrate?—So far as I know there is no such impression, and the impression if it exists is not founded on fact.

26. Are you aware that some years ago it was the universal practice in the Punjab that the excise officer in a district (who generally happens to be the revenue assistant), where these functions have not been separated, himself tried excise cases except those in the investigation of which he himself had taken part? In some cases that practice has been abandoned now, but is it still the practice in some districts?—As far as I know it is not the practice now, although at one time it was the practice. I cannot answer for every district, but my impression is that that is not now the practice; I do not think the excise officer does try excise cases now, but I speak subject to correction.

27. With regard to another topic which concerns the executive, the revenue assessment is made, of course, by the revenue authorities on the settlement side?—Yes.

28. Is there any provision in the revenue laws of this province (as there is in the Income Tax Act) for reference to the judicial side when a question arises as to the liability to assessment or the quantum of assessment, or with regard to remissions granted, before the assessment is finally confirmed?—None, as far as I know.

29. So that revenue assessment is entirely in the hands of the revenue side; there is no appeal to the judicial side?—There is no appeal to the judicial side as far as I know. I fancy that under the general civil law a person could contest his liability to be assessed, but that is a question on which you can give a better opinion than I can.

30. *The Chairman*: Assuming the position is that it is not disputed that the individual in question is liable to assessment, do I understand rightly that the amount of the assessment is the result, no doubt of a long and careful inquiry, but ultimately of an executive act?

Chaudhri Zafrullah Khan: Of an executive act; that is my point. The Income Tax Act provides for a reference to the High Court on certain matters, and I asked whether there was a corresponding provision in the revenue law of this province where the assessment of the revenue authorities was disputed.

31. *The Chairman*: I imagine you do not in the case of your income tax, any more than in the case of British income tax, fruitfully call in aid the assistance of the court, when the matter to be determined is a matter of fact. Once the income tax official (who is an executive officer) has given me my assessment, I cannot simply go to the High Court in England to ask the High Court to consider whether the assessment is not too big or too small.

Chaudhri Zafrullah Khan: There may be the point of law whether a certain commission paid by me is legally liable under the Act or not.

32. *The Chairman*: A point of law? Is that your point?

Chaudhri Zafrullah Khan: Yes.

33. *Chaudhri Zafrullah Khan*: With regard to canals we know that recently canal officers have been deprived of judicial powers, but is it not a fact that in the case of unauthorised irrigation from canals the penal assessment, as it is called, is made by the canal authorities?—Yes.

34. In some cases it would run into thousands of rupees?—Yes.

35. Although you might take it to higher revenue authorities (the collector and the commissioner) there is no means of testing either the legality of the assessment or the quantity of the assessment in any court of law?—That I cannot say. It is a point which I have never studied but I am quite prepared to accept your statement that there is no cause of action in a civil suit.

Lord Burnham: What would be the method of extracting payment in such a case?

36. *Chaudhri Zafrullah Khan*: Distress in the first instance, and possibly imprisonment. A man could not contest the assessment. (To the witness.) With regard to the canal areas where grants are made for horse-breeding or cattle-breeding purposes, or occupancy rights, where it is admitted Government is the direct landlord, so far as confiscation of those grants and questions of succession to the tenancy and transfer of the tenancy are concerned, the jurisdiction is entirely on the executive side, and these matters cannot be contested in the judicial courts?—Do you mean with regard to grants of Crown waste?

37. No, with regard to grants already made for horse or cattle breeding, or where occupancy rights are granted and the Government is still the landlord; any question of confiscation, of imposing penalties for failing to keep the conditions of the grant, of succession to the tenancy, of transfer of the tenancy—all these questions would be dealt with on the executive side and would not go into the judicial courts? The jurisdiction of the judicial courts is barred?—That appears to me to be reasonable. There are certain conditions attaching to grants of Crown waste. There is no obligation on anybody to take the grant, and if he takes the grant he takes it subject to the conditions of the grant and the law on the subject.

38. Quite. I wanted to ask whether it was a fact that the jurisdiction was on the executive side and not on the judicial?—The jurisdiction is on the executive side, yes.

39. *Lord Burnham*: He cannot contest the water rate?

Chaudhri Zafrullah Khan: That is not the point I wanted to bring out—I say that in the colony areas, as we call them——

40. *The Chairman*: Lyallpur?

Chaudhri Zafrullah Khan: Yes, and other places, grants are made by Government, for instance on what are called horse-breeding conditions (under which, for instance, the tenant has to keep a mare to supply foals to Government) or cattle or mule breeding conditions, or grants are made to ordinary peasant proprietors, but in certain cases only occupancy rights are granted. With regard to these tenancies, the question very often arises whether a man is or is not contravening one of the conditions of his tenancy, such as whether the mare kept by him is any good.

41. *The Chairman*: I follow that, but what is your point?

Chaudhri Zafrullah Khan: Also there is the question, when a tenant dies, of whether it is his widow who is to succeed or his collaterals, and the question of transfer, whether he can make a gift of it or not. Jurisdiction in these matters is on the executive side; i.e. the collector and commissioner decide whether the tenancy should be confiscated, or whether it would go to the widow or collaterals, and so on.

42. *The Chairman* : I follow that, but what I want to be clear about is this. Is the origin of the man's title a grant from Government ?

Chaudhri Zafrullah Khan : It is.

43. *The Chairman* : Government, when it makes the grant, attaches certain conditions ?

Chaudhri Zafrullah Khan : It does.

44. *The Chairman* : Is not the real question whether the conditions of the grant which the grantee chooses to accept are such as to give Government those powers ?

Chaudhri Zafrullah Khan : Quite. Government, it is admitted can deal with the tenancy under such and such conditions, if there is a breach, but when it is a question of whether a breach has in fact occurred——

45. *The Chairman* : That surely must be a question of what the terms of the grant are. It is possible in England to have a grant given to you, on the terms that in the sole discretion of the grantor, if he alleges something has happened, you forfeit your property. There is nothing impossible in that position, and whether it is a good or a bad rule is not a matter which a constitutional conference can decide.

Chaudhri Zafrullah Khan : My submission is that that is one of the powers exercised by the executive.

46. *The Chairman* : I quite understand the illustration, but I do not imagine you suggest there ought to be a section in some Government of India Act to say this cannot be so, and primarily, of course, that is what we are considering.

Chaudhri Zafrullah Khan : I was merely going into the question of the sphere of the judicial and executive.

47. *Dr. Narang* : The last point which my friend was trying to make out would be better illustrated, as I think, by an example I would give with a view to asking Mr. Emerson whether it is correct or not. In the Lyallpur colony area one of the district officers wanted to raise a large amount of money, about a crore of rupees, from the people who have settled in the colony, and he adopted a method of assessment which was absolutely arbitrary. For instance, from agriculturists he wanted to raise money at the rate of one rupee per *mirla*, and from the shopkeepers at the rate of twenty-five rupees per *mirla*. Do you know that a large number of complaints were made by people in Lyallpur ?—I think the statement is incorrect that the deputy commissioner wanted to raise the money. From what I know of the case the Government decided that certain rates should be fixed for the purchase of certain shop and house sites.

48. And those rates were different in respect of different classes ?—Those rates were different, I think I am correct in saying, because in the case of the agriculturist, the house site was his residence, his chief calling was agriculture, which he carried on on his grant inside the village. In the other case the site was the site of a shop, which represented the occupier's chief, if not only, source of profit. I imagine it was probably on that ground that the distinction was made, but it was not a case with which I dealt myself.

49. But this you admit, that from the agriculturists one rupee per *mirla* was demanded, and from shopkeepers twenty-five ?—I do not know the exact rates. I know there was a difference between the two.

50. A great difference ?—I cannot say that. I have not dealt with the case.

51. Do not you think that the shopkeepers are also a necessary element of the village economy ? They settled along with the colonists themselves, and were as much colonists as the agriculturists ?—As this is not a case with which I have dealt personally, and on which I have no instructions, I am not in a position either to justify or explain the policy of Government in the matter.

52. No reason can be stated by you ?—Because I have had no concern with the case.

53. During these debates in the council about the separation of judicial and executive authority, there was a committee which recommended that separation ?—Yes.

54. Will you please inform the Conference whether the Government agreed to the separation of judicial and executive power ?—I am afraid my reply will be a long one, but I should like the opportunity of giving it at some length.

55. *The Chairman* : Please give us your answer. I want to understand the matter.—A committee was appointed, in 1922, and the committee made a report to Government recommending certain changes. Their recommendations certainly did not involve the complete separation of the executive and judicial functions. In the first place, they laid very great stress on the fact that a magistrate's functions did not begin and end with the trial of criminal cases. They stated that it was a very important function of a magistrate to maintain the peace. The committee also accepted the principle that certain preventive powers should be retained by the executive authority. Among other things, as far as I remember, they recommended that the executive authority, call him the deputy commissioner, should have the power of placing men of bad character on security ; also that he should have the power of taking certain action in regard to property when that property was likely to lead to a breach of the peace. They also laid very great stress on the fact that the executive authority must be responsible for the law and order of his district, and that in order to fulfil that responsibility he must still have under his control for certain limited purposes the magistrates of the district. Their chief recommendation, therefore, was that so far as the trial of cases was concerned, the magistrates should be under the control of a judicial officer, I think a senior sub-judge, but that at the same time, whenever the deputy commissioner required the services of the magistrates for preventive action, the maintenance of law and order, then they should still remain under him. That is to say, the magistrates were to be under two masters. Government considered that that scheme did not secure the separation of judicial and executive functions. In the second place, the scheme as put forward was an expensive scheme ; the cost, even as estimated by the committee, was large, and the cost was much under-estimated. Thirdly, at the time the recommendations were made, and for some years after, the province was disturbed by various movements which menaced the preservation of law and order. First of all there was the non-co-operation movement. Then we had the Akali movement. Then up till quite recently we have had communal riots, and Government did not think that the time was opportune for introducing a scheme of this sort, which did not secure the primary object which it was intended to secure, and which might very seriously undermine the maintenance of law and order in the province. In regard to the general question, the position of Government is that it keeps an open mind on it. It admits the general principle that judicial and executive functions should not be combined. It is prepared to consider any scheme that is put forward, but I think that scheme would have to satisfy three conditions : firstly, that it was not so expensive as to be outside the capacity of provincial finances, or that it should not be so expensive that it would mean that other departments, and particularly the beneficent departments, would be starved in order that it could be carried out. The second condition is that the scheme should be such as will not prejudice the state of ordinary crime in the province—I mean, dacoities, murders, and so on. And the third condition is that it should not undermine the ability of the executive officer whether he be called the deputy commissioner or district magistrate, to maintain law and order in the district. If any scheme is evolved which will satisfy those three conditions, I am quite sure that Government will be only too glad to give it the most careful and favourable consideration. That, I think, is the position.

56. *Dr. Narang* : You said just now that the

Government accepted the principle. Have the Government already taken certain steps to that effect ?—I do not think I said Government had definitely accepted the principle, did I ? I said Government had an open mind on the subject and it accepted the theoretical principle that it is desirable that judicial and executive functions should be separated.

57. *Mr. Owen Roberts* : In the case of acquittal it is the duty of the district magistrate to report to Government whether an appeal should be lodged or not ?—If the district magistrate in a case in which the Crown was the prosecutor thinks that the man has been wrongly acquitted, it is his duty to refer the case to Government with a view to a retrial and reference to the High Court. When it is referred to Government, the advice of its legal advisers will be taken, and if the final opinion is that there has been a miscarriage of justice, directions will be given to move the High Court.

58. *The Chairman* : Would you make this a little plainer to me ? I should like to be quite clear as to whether the matter is referred to the Court in such a way that the individual who has tried the case in the first instance, and has decided that the accused should be discharged, is himself expected to report for further action to a higher quarter, or whether you are referring to a case where somebody who has not had the business of dealing with the judicial work of trying the particular offender reports on the matter ?—It is somebody else ; it is the district magistrate, not the magistrate who has tried the case. If the district magistrate himself acquits, there is no obligation on him to report to higher authority.

59. *Mr. Owen Roberts* : Then as regards the No. 10 register, that, I understand, is prepared in consultation between the police and the deputy commissioner ? —I do not think so, no. That is a function of the police.

60. The deputy commissioner takes no interest in it ?—I will not say he takes no interest in it. If he goes on tour in the district he is interested to know who is on the register, because he ought to know who are the bad characters, say notorious receivers or burglars.

61. He never has a name put on to that register himself ?—Take a case where a deputy commissioner is on tour. The visitors he sees, or the people who come in to him, complain that such and such a person is the head of a gang, we will say, of dacoits or cattle thieves. The deputy commissioner would ordinarily pass that information on to the superintendent of police, who would make his inquiries and would verify it ; but the deputy commissioner himself would give no summary order that that man should be put on No. 10 register.

62. *Captain Sikandar Hayat Khan* : Under the police rules he could do so ?—I do not know whether that is so. It is possible. It would be unusual.

63. *Mr. Owen Roberts* : Is it a fact that no man whose name is put on that register is given an opportunity to show why he should not be included in it ? —In the first place, the No. 10 register, so far as I am aware, is actually a register of bad characters, maintained by the police. The fact that a man's name is on that register involves no penalty whatsoever.

64. In security proceedings it is put in in evidence, I am told.—It might be put in evidence that his name was on that register, but the fact that his name was on that register would be of no evidential value unless it was supported by good reasons as to why it was there.

65. But is not there a general complaint that that register is sometimes used in order to put people into difficult positions ?—In so far as that complaint is true, the separation of judicial and executive functions would not help at all.

66. *Sir Hari Singh Gour* : You said that the Government accepted the broad principle that there should be a separation of the judicial and executive functions ?—I think I said Government kept an open mind upon that.

67. And they laid down three conditions, as to cost, the suppression of crime, and the preservation of law and order. Anyway, subject to these three conditions have the Government prepared any scheme of their own for the separation of the judicial and executive functions ?—The Government has prepared no scheme.

68. Why not ?—I think one very good reason could be given. Any scheme which would satisfy these conditions would be too costly to introduce at present into the province. I said if any scheme satisfying the three conditions were put forward, Government would give it careful and favourable consideration. That is all I said.

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72. * * * I would like to ask, if the Government have an open mind and would like to examine this scheme provided it covers these three conditions, why have the Government themselves not prepared a scheme to test whether such a scheme is or is not possible and answers to the three conditions you have laid down ?—The answer would be, I think, that in the present financial condition of the province such a scheme is not feasible.

73. Now let me put it to you : the separation of the judicial and executive functions boils down to two facts, namely, divesting the district magistrate of certain powers which he possesses in the nature of preventive and punitive powers ; and the second point, that all the subordinate magistracy should be appointed and should be under the High Court instead of being under the executive government. These are the two principles ?—No. Your first statement was that the separation consists of divesting the district magistrate, that is to say the deputy commissioner, of certain preventive powers.

74. Of certain judicial powers which he exercises under the procedure ?—I think your statement was of certain preventive powers which he now possesses.

75. No, judicial powers, punitive powers.—Of what sort of judicial powers is it proposed to deprive him ?

76. For instance, the powers he possesses of taking cognisance of all cases upon his knowledge or suspicion, or at least upon reports, and upon complaints and information, and the *chalan* ?—I should like to make it clear that Government does not accept in principle any scheme which would deprive the executive head of the district of the exercise of preventive powers which he has now got, that is to say preventive powers relating directly to the maintenance of law and order.

77. That is one branch ?—Yes.

78. Now about the judicial powers, the trial of cases and the supervision of the subordinate magistracy ; that is the other branch ?—I would also like to make it clear that the third condition that I mentioned, that it should not prejudice the maintenance of law and order, involves the necessity of the chief executive officer, namely the deputy commissioner, being able to call to his help at a moment's notice a sufficient number of magistrates to deal with an outbreak of disorder. It is a very important point, and I should like to illustrate that. Under the present conditions, if a communal riot occurs, the deputy commissioner has under his own control, under his own orders, a number of magistrates whom he can immediately place on duty for preventive action. In the same way, if on the occasion of a religious festival there is a breach of the peace apprehended, he has magistrates under his control whom he can depute to accompany the procession, and that is done, of course, as a matter of course, on practically every religious festival. Government regards it as essential that whatever scheme is put forward it must provide for the deputy commissioner being able to call on the services of sufficient magistrates to allow him the control of situations which threaten an outbreak of disorder.

79. This condition might be fulfilled if the subordinate magistracy were placed under the High Court

instead of under the executive government?—It would be very difficult.

80. And provision were made that the magistrate shall assist the district authorities in the manner already provided?—I have seen several rather big riots and other disorders, and I should not have liked to deal with them if I had had to call on some other authority to provide the magistrates. I would not have been sure of getting them as quickly as I was able to get them in existing circumstances.

81. But the new scheme I am putting to you has never been put to a practical test. Those are your apprehensions?—Yes.

82. It has never been put to a test; but you recognise that the popular opinion of all shades in this country for the last forty years or fifty years has been in favour of the separation of the judicial and executive powers?—I do not think it has seriously considered how it is going to solve the problem of placing at the disposal of the executive officer the necessary magistrates when he requires them. I think it has paid a great deal of attention to the separation of the judicial functions, but not quite enough attention to the other difficulties.

83. What difference at all will it make if the subordinate magistracy is placed under the High Court instead of under the executive government? It would make no difference in cost. It is simply a question as to who would promote, suspend and remove them.—Who is going to be responsible for law and order under the new scheme?

84. The executive government would be still responsible for the maintenance of law and order and given powers to call upon the magistracy to assist them, just as they have the power to call upon the military to assist them in case of emergency?—Well, there is just one point. It may seem a minor one, but it is rather important. The magistrates at present are of great value on occasions of disorder or threatened disorder, because they have some executive experience. I doubt if magistrates who have spent their whole time sitting in court hearing cases would be of equal value when they were suddenly called upon to deal with a very dangerous situation.

85. The question I put to you is this. I quite admit that executive experience is a necessary equipment for a subordinate magistrate, but that does not prevent the subordinate magistrate being placed under the High Court. That is the point I am making.—The High Court for what purposes?

86. For the purpose of promotion and disciplinary action, and so forth.—So long as they are executive officers as well, they must surely remain under the executive government.

87. The question I put to you is this. Do you think that this executive experience is a necessary equipment for a subordinate magistrate and that it does not prevent the subordinate magistrate being placed under the High Court? That is the point I am making.—Under the High Court, for what purpose?

88. For the purpose of promotion, disciplinary action and so forth?—Being an executive officer as well he must surely remain under the executive government.

89. Yes, but the High Court may say that they are mainly judicial officers, or partly judicial officers and partly executive officers and why should they be under the executive government?—I do not think that question has ever been put.

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93. As a district magistrate, did you not regard the district superintendent of police as your assistant in the police department?—I regarded him as my helper. I did not regard him as an assistant, subordinate to me.

94. He has in all cases to consult the district magistrate and to abide by his decision?—Not in all cases. The district magistrate could not possibly deal with all.

95. It is not in the police manual, that he must seek the advice of the district magistrate in all difficult cases before they are launched in court?—No, that is certainly not the practice. The number of chalans in the Lahore district runs into thousands, certainly over 10,000 each year. I think the number of accused in one year was something like 30,000. It would be quite impossible for the district magistrate to deal with a thousandth part of the chalans.

96. Either the power is illusory or it is real. If it is real, then he must deal with all these cases. If it is illusory, there is no reason why he should retain the power at all?—I do not follow that.

97. *Sardar Shivdev Singh Uberoi*: Mr. Emerson, you said that at a time of threatened breach of law and order the deputy commissioner can issue orders to the subordinate magistrates to go to his help?—Yes.

98. Do you think those magistrates who attend such occasions are from the canons of equity and justice competent to try the cases of those accused persons who are chalaned with reference to those disturbances?—If an actual breach of peace occurs none of the magistrates who has personal knowledge of the facts would be competent to try the case nor would the case be sent to him. The assistance of a magistrate is required more on the preventive side.

99. And similarly you would not think it just for a deputy commissioner to give his help in the arrest of the people and then keep these cases for trial in his own court?—No, certainly not. That is most irregular.

100. *Chaudhri Zafrullah Khan*: Could you inform the Conference whether the presidency magistrates are subordinate to the High Court and nevertheless their services for preventive action are easily requisitioned by the executive authorities?—I am afraid I cannot say. I have not had any experience.

101. Are you aware that they are under the High Court?—I do not know whether that is an actual fact.

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103. *Major Attlee*: On page 285* you set out the classification of Government services, and in a statement on page 295* you show the cadres of the All-India services. There is one point which arose in Bombay. I think we may clear it up here—and that is that certain of the All-India services belonging to the transferred side have ceased to be living services owing to the fact that there is no recruitment, but I take it that there are provincial services taking their place?—The proposal is that superior provincial services should take the place of those All-India services that are coming under abolition.

104. The first point on that is this. When for instance you show the total strength of a cadre in a transferred service we are not to take it that those are the only people that work that service now?—That only refers to All-India services.

105. The former All-India services in transferred departments have now become provincial services?—Yes, but in addition to the All-India services and in addition to any superior provincial service that will be formed, nearly every department concerned has already got a provincial service. There will be new superior services—superior provincial services or whatever one cares to call them—in addition to the provincial services that already exist.

106. Yes. The point is that these provincial services are not set out?—They are not set out at all in the statement referred to.

107. The second point I would like to ask is this. You say it has been contemplated to set up a superior provincial service. Can you say why that has not been done?—I think one of the difficulties has been that there was considerable delay in the issue of rules to regulate these services by the Secretary of State. Even now I do not think final orders in

* Vol. X.

regard to them have issued. Then there were considerable difficulties in framing the terms and conditions of service. I think all provinces experienced that difficulty, and so far as I know I do not think any province has yet established any of these superior provincial services, or if they have, it is only quite recently they have done so. I think less than a year ago all the provinces met in conference in Delhi to see how they should begin to set about it. I think we are now fairly well advanced towards doing it here.

108. What about the specialist posts? You have mentioned them on page 285.* I take it that some of these specialist posts are posts that would be in a superior provincial service if you had one?—Some of them would be and some would not. For instance, take the Agricultural department. It has ceased to be an All-India service. Well, where it has been necessary to recruit an officer who would have belonged to an All-India service if that had been in existence, it has been necessary to recruit him on a short term contract, usually for three or five years, and usually the option has been given to him of entering a superior provincial service when this is established.

109. Are those specialist posts held mainly by Indians or by Europeans?—I think most of the special posts are held by Europeans, but not entirely. There are some special posts held by Indians.

110. When a service has become a transferred service I take it that thenceforth the personnel, except for the surviving All-India service men and specialist posts, would be entirely Indian? Or is there any European recruiting in transferred services?—That is a question of policy. There is no reason why there should not be recruitment of Europeans. There is nothing forbidding the recruitment of Europeans.

111. I was rather asking you as a matter of fact?—I think there have been several Europeans recruited to some of the transferred services. In the Education department, certainly. It has been necessary to recruit them on short term contracts.

112. Now, in regard to the recruiting for the services—I am not dealing with the Indian Civil Service at the moment—I gather from several pages here—pages 286, 288 and others*—that there has been some sort of a contest in the province with regard to the question of appointment by examination and appointment by selection. Is that correct?—Yes, there is considerable difference of opinion regarding it.

113. Am I correct in summing up the position by saying that it is considered that in certain services you require a man say with agricultural experience in the department of Agriculture—and that is regarded as a set-off against less superiority in academic subjects?—Yes, I think there are two considerations. There is the consideration, that in certain departments we must have men suited to the special conditions. For instance, in the co-operative department it is desirable to have at any rate a large proportion of men who are conversant with the actual conditions of rural life and who are members of the rural community. And if pure competition were introduced you might not get enough of that class of officers. There is the second consideration that if pure competition were introduced you might get a preponderance of officers belonging to one community, and it is one of the principles of Government that it should avoid undue predominance of any community or class.

114. Has your Government considered at all the possibility of introducing a Provincial Civil Service Commission either in connection with the Civil Service Commission that we have in India or a separate one?—I think the point is specifically dealt with in another volume.

115. *Major Attlee*: I do not propose to ask the same questions that were put by other members on the point. With regard to the question of Indianisation, are the proportions laid down in the Lee Commission's Report being generally followed in this province?—I think the statement on page 295* shows that since January, 1921, there has been a very rapid advance of Indianisation. I have not actually made a calculation to say whether that has been as rapid as laid down in the Lee Commission's Report, but I should say it has almost certainly been as rapid. Take the Indian Civil Service. In 1921, the proportion of Europeans was 96 and of Indians 4. On the 1st of January, 1928, the percentages were 78 and 22—a very large change in seven years; and similarly for the other services which are dealt with here. In the Indian Police Service the percentage in 1921 was 92 and 8; in 1928 it was 80 and 20.

116. Has that rapid Indianisation during these years been due to an exceptionally large number of retirements causing a rapid influx, or was it because of the definite policy of the Government of India?—I think it is due to both causes.

117. *The Chairman*: Will you please just repeat it that I may be sure that I have got it entirely clear? As regards the figures that you have just mentioned about the Police Service as an illustration, in 1921 you had 92 Europeans and 8 Indians, including in that phrase for this purpose Anglo-Indians. In 1928 you had 80 Europeans and 20 statutory Indians. I would like to have it made entirely clear. Does that relate solely to All-India services?—It refers to All-India services.

118. And I gather that side by side with that there is another service, the provincially recruited service, which is practically exclusively Indian?—Practically; not quite as exclusively in the police as in some other services, because in the Police Service a larger number of Europeans (sergeants and inspectors) are employed than in other services.

119. Take the police staff as a whole. These figures, 92 or 80 as the case may be, are of course only one portion, which is the All-India service?—Only that portion which is All-India service.

120. Because in Poona there was a certain amount of difficulty on that point and we spent some time in getting that clear. It is the same here?—I may make it clear in regard to the Indian Civil Service. The figures here deal entirely with the Indian Civil Service. Then there is a Provincial Civil Service which is a large service of 240 or so. All members of that are statutory Indians. Perhaps I may now answer your (Major Attlee's) previous question. The recruitment of the Indian Civil Service for the whole of India is of course regulated by the Government of India, and I think it is 50—50 as far as I know. That does not mean that the distribution of successful candidates over the various provinces is necessarily 50—50 over each province. There are two reasons why the percentage of Indians has increased in the Indian Civil Service in the Punjab. In the first place we are getting our share of Indian candidates, of new recruits. In the ordinary course the number we are getting would not have brought the percentage of Indian recruits up so rapidly as it has done, but this factor has been supplemented by a good number of retirements of senior European officers. The total strength of the cadre in 1921 was 138; the total strength now is only 106. There have been many retirements of senior officers, and there was very short recruitment during the war and after the war.

121. *Major Attlee*: Does that mean that you are 32 men less in the Indian Civil Service now than you were in 1921?—Yes; 32 less.

122. Arising out of that, has not that meant a very much increased strain on those who were left behind in the work?—I think that is so. It has been more difficult to give leave because it has been so difficult to find men to take the place of those who are given leave, and where leave is given,

* Vol. X.

shorter leave has been given than otherwise might have been the case.

123. Can you tell me whether there has been a tendency during your service for Indian Civil Service men to remain a shorter time in their districts, and for changes to be more frequent than was formerly the custom ?—I think the old tradition was that the deputy commissioner stayed a very long time in each district. That is not the tradition now. The normal period is three years. But owing to the fact that there is a shortage of officers it may be necessary to transfer a man to some post for which he is suitable—and perhaps it may be that he is the only suitable man for the post—before he has completed his three years. Owing to the shortage of officers there is difficulty in arranging the posting and therefore naturally an officer is in charge of a district for a shorter time.

124. Is that difficulty increased to any extent by the fact that you may have communal difficulties in a district which involve the sending of a neutral person, instead of sending someone belonging to a particular community ?—No ; I should not say that the difficulty has been much increased. To a certain extent it might be. The trouble might occur in a district and it might be necessary to make a change in the personnel of the district ; but that has not been a serious factor.

125. Is that period of three years an ideal figure to go upon or the actual figure ? If I ask you for a return showing the actual time spent by officers in a place and the number of changes within a given period, would it show that for three years an officer would have to remain in a place, or would it show a greater amount of change ?—I should say that the average period for an officer who is not merely officiating in a post (when he is only officiating he is liable to revert) but has reached the permanent status of a deputy commissioner, during the last six years must be considerably less than three years. Three years is more the ideal than the actual period.

126. Would you say that it has made a difference in the knowledge of the officer in the district, or whether the administration has been impaired by the fact that there are so many changes ?—I think that frequent changes impair the efficiency of the administration.

127. With regard to the changes brought about by the Reforms, in this province we have heard that the deputy commissioner is still chairman of the district board. Has there been a tendency for the district officer to lose a certain amount of his functions ?—I think that as the result of the Reforms the deputy commissioner has probably more interests than he had formerly, because although he may not have any direct concern with certain transferred departments, he is always being consulted on some subject or other relating to them.

128. You have got now local representatives appointed by Government in charge of many departments. But the fact that certain departments are transferred, will that lead the people not to look to the district officer, but to look to the ministers and members ? You have got a local member of the council. Will they look to him and not to the collector ?—I think in some departments they probably do ; I mean in the Education department, for instance, they will probably look to the educational officers and so on. But I certainly do not think that the prestige of the district officer has been seriously affected by it. That is my own impression.

129. He is still considered as a person who is not merely concerned with keeping law and order and collecting revenue, but he is still a person who may have more pleasant duties to perform ?—I think the ministers and the heads of departments in transferred subjects find the deputy commissioner very helpful and valuable in their work and they do very often associate him with their work.

130. *Lord Burnham* : Is he still regarded as a local providence ?—He can certainly be regarded as such if he wishes to be. I think a very good example is Gurgaon. I think the deputy commissioner of Gurgaon was certainly the foremost exponent of the beneficent activities of Government in his district. and his work was very greatly appreciated by the ministers and by the legislative council.

131. *The Chairman* : I should like to take the opportunity of saying that all the members of the Statutory Commission were very much struck with Gurgaon. We have no doubt of the devotion of the officer you refer to.—Naturally the deputy commissioner has more activities than he formerly had and I think to an increasing extent the transferred departments will find him useful and helpful.

132. *Captain Sikandar Hayat Khan* : May I ask you just to clear up that point about specialists' posts ? You said that these specialists' posts were mostly manned by Europeans. May I remind you that in the Agricultural Department practically all the specialists' posts are occupied by Indians ? For instance, the cerealists, the two fruit specialists, are all Indian appointments as far as I recollect ?—I think the reason for that is what I gave to Major Attlee, viz., that since recruitment of the All-India services ceased, and in the transitional period before the creation of this provincial service, these posts have had to be made special posts. In the ordinary course I think when a new provincial service is created, these specialists will go across. In regard to the Europeans the position is not quite so clear. You may have to offer them greater pay than is provided for in the provincial service. Since the recruitment to All-India services has ceased and in the transitional period before the creation of the superior provincial services these posts had to be made special posts. In the ordinary course I think when a new provincial service is created, these specialists will go across. In regard to the Europeans the position is not quite so clear. You may have to offer them greater pay than is provided for in the provincial service.

133. At the present moment ?—I think it is quite possible that this is so.

134. In reply to Major Attlee you said that probably on account of the deficiency of Indian civil service officers they had to do more work. Would you inform me if there has been any increase in the provincial cadre ?—There has been a very large increase.

135. May I suppose that they do most of the work formerly done by the Indian Civil Service ?—Certainly not.

136. They relieved them of a certain amount of the work at least ?—I do not think they relieved them of very much. The only direction in which I can think the Indian Civil Service officer is being relieved is probably that the district magistrate does not try as many original criminal cases as he did. But even before the war I think that the district magistrate's criminal original work was not very large. I cannot think of any other direction in which the increase of the provincial cadre has given relief to the Indian Civil Service. What has happened is this. The provincial service cadres are now filling a number of posts which in the ordinary course were filled, and ought to be filled, by members of the Indian Civil Service.

137. For instance, the posts of subdivisional officers ?—Yes, subdivisional officers, and also there are more officers in charge of districts than there are listed posts.

138. You have now junior Indian Civil Service officers as most of the subdivisional officers instead of experienced provincial service officers ?—I do not think this is quite correct as a statement of fact. At the present moment I think the majority of the subdivisions are occupied by provincial service men. But there are less subdivisions so occupied than there were two or three years ago. Before the war when we were not short of officers, the subdivisions were used as the best training ground for charge of a district. That policy was necessarily abandoned

during the war and after the war when we were short of officers. We have now got a fair number of Indian Civil Service men and we are again able to utilise the subdivisions as the best possible training ground for the charge of districts.

139. With regard to the troubles in the district, in reply to Major Attlee you said that it might be advisable in certain circumstances to change the officers from one district to another. Would you give any instance where this has been done ?—I should certainly object to giving such particulars. Personal questions are involved.

140. Had such things not happened, would there have been a necessity for the change of officers ?—It was not vitally necessary to change, but communal differences, were a factor that had certainly to be taken into account.

141. *The Chairman*: Might I just try to put the question in a slightly different form ? What I should like to know from you, Mr. Emerson, is this. Speaking from your experience and with your manifest sense of responsibility would you say that cases do arise when requests are made to Government from local quarters or responsible quarters requesting or suggesting that in view of the communal tension it should be preferable to have a neutral rather than an officer who is a member of one or the other community ?—I think such cases do arise. I do not say they are very frequent but they have arisen within quite recent times.

142. *The Chairman*: You explained to us that in posting officers to the different posts the administration was considered—what was the most appropriate position to be given to an officer—and all these things come in. I was speaking of the emergency which may arise in a district and which undoubtedly does involve strained feelings between one community and another. That is the class of cases. I may tell you that some impression of this sort has certainly been created in my mind.—Such cases do arise, but they are not frequent.

143. *Captain Sikandar Hayat Khan*: With regard to the beneficent duties of the deputy commissioners you will agree with me that they are still in touch with the beneficent side of their work, e.g. education, medical, etc. ?—They are in touch. The view of the Government is that they should be in touch.

144. *Raja Narendra Nath*: What is the proportion of members of rural communities in the Co-operative department and the Agricultural department ?—I am afraid I cannot say off-hand. The information is contained in the census of Government servants.

145. What proportion of the rural community is taken in these departments ?—I think the figures are given here.

146. Is it not about 90 per cent. in both ?—The information is given on page 287*. I think 80 per cent. for the Co-operative department.

147. Does not that involve the preponderance of one community ? You said that you toned down the preponderance of one community. Is that the policy of Government ?—I think the policy is stated thus : " In all cases so to conduct recruitment as to avoid " any undue preponderance of any one class in the " public services through the exclusion of the reason- " able claims of other classes of the community."

148. Then the policy is not that of closing a department to any particular class in an unqualified manner ?—It is recognised that there are certain departments which require particular types of officers.

149. What types of officers do you require in these two services ?—In the Co-operative department which deals mainly with the rural community, with the zemindars, rural banks and so on, I think the view of the co-operative officers is that they require men who by tradition and by environment are in sympathy with the actual agriculturists, who supply the greater number of the members of the various banks, and so on. And on the other hand, where the department has to deal with industrial societies in towns, their policy is to recruit officers with urban connection and urban interests. I understand that is the policy.

150. Are the head of the Co-operative department and the head of the Agricultural department quite enthusiastic about their work ?—I think they are; they are quite enthusiastic.

151. They do not belong to members of the rural communities ?—Well, I am not quite sure whether they do or do not. I am afraid I am not in a position to say. They are not members of agricultural tribes.

152. *Dr. Narang*: Members of the provincial service are acting as judges, subordinate judges, sessions judges, and also one of them is at present on the bench of the High Court ?—Yes.

153. On the executive side they have been working as deputy commissioners ?—Yes, and they have done very well.

154. That was my next question, and you have replied already. Can you give me any justification for the difference in their pay and emoluments as compared with the members of the Imperial service when they are discharging their duties with equal efficiency ?—It seems to me that the chief question is a question of fact. In the one case they are recruited to an All-India service from the beginning of their service, and they are entrusted with more responsible duties than the member of a provincial service is entrusted with at the beginning of his service. I think it is necessary to remember that when you refer to the members of the provincial civil service who are in charge of districts or who are sitting on the bench of the High Court you refer to the best selected officers.

155. As you know, when an Indian Civil Service man comes out to India he starts as an assistant commissioner and probably as a third-class magistrate, and on the executive side even a provincial service officer starts as a magistrate with the same powers. It is there that the difference arises ?—Both have to go through a period of training. I am not counting the period of training as the time within which one has to perform more responsible duties than the other. I think the comparison comes in later, between men of five to fifteen years' service. If you compare the duties and responsibilities, then I think you will find that there is a big difference.

156. Is it because of any inherent inferiority of the provincial service men or because one is an Indian Civil Service officer and he has perforce to be on higher and more responsible duty ?—The tests for entry into the services are very different.

157. We would like to know the difference. For five years you say they carry on the same duties—— ? —I do not think I said that.

158. Where, then, does the difference come in ? —What I said was that after five years' time—and very often in less than that time—you find that there is great difference between their duties and responsibilities.

159. It is not clear to me. Is that difference due to this, that the provincial service man is not fit to discharge the duties satisfactorily or because he does not get an opportunity to do that as a man of a higher or more sacred service gets a higher job ? That is the question I want to be answered.—The general view would be, I think, that, as things are at present, the average officer of the Indian Civil Service has higher educational qualifications than the average provincial service officer. Taking the average, the average officer of the Indian Civil Service would be expected to be more efficient and more able than the average officer of the provincial civil service.

160. Supposing this question were put to a representative of the provincial service, do you think he will agree with you ?—If a similar question were put regarding the provincial service to a representative of the subordinate service, the latter would also not agree.

161. Is it not something like the portrait of a lion and a man, one being under the other ?—Certain

* Vol. X.

qualifications are laid down for the All-India services which are not laid down for the provincial civil service.

162. Do you think, then, having once admitted that these people have been discharging the highest duties that can ever fall to the lot of a member of the provincial service here efficiently—— ?—What do you mean by " these people " ?

163. Provincial service men.—I said selected officers, those officers who have been holding charge of certain districts.

164. Very well; do you mean to say, then, that for the remaining posts you may not have a sufficient number of men and it is on account of dearth of intellectual ability that you have to keep these men here or for any other reason ?—Which men do you mean ?

165. Is it on account of dearth of ability in the provincial service that you want the Indian Civil Service or because since the Indian Civil Service men are already there they have to continue ?

The Chairman: I am afraid I do not quite follow you.

166. *Dr. Narang*: The provincial service men—at least the selected men among them—have admittedly done their duty very well wherever they have been placed; on the judicial side from the subordinate judges up to the bench of the High Court, and on the civil side from the extra assistant commissioner to even the commissioner. Now, the question is whether the members of the Indian Civil Service are required because there is dearth of able men in the provincial service or for any other reason ? Whether there are not sufficiently able men among the members of the provincial civil service to replace the members of the Indian Civil Service in this country ?—The answer is that certain general standards have been laid down for the All-India services, certain qualifications are necessary for the All-India services.

167. And provincial service men do not come up to those standards. That is your opinion ?—The answer, I think, would be that in individual cases some of them probably do. If an officer who is seeking employment in Government service desires to enter an All-India service and not a provincial service, he has now the opportunity of doing so; he can compete in the Indian Civil Service.

168. That is not my point. He may or may not like to compete; he may not have resources to compete.—There are two competitive tests for the Indian Civil Service examination and the provincial civil service examination. If he competes in the first and is not successful, the assumption is that he has not attained that standard which is considered necessary for the All-India service. If he is unable to compete it is his misfortune. I cannot draw any conclusion whether he would or would not have succeeded had he competed.

Dr. Narang: My question has not been answered, sir.

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The Chairman: He has given you his view; it does not commit anybody else.

169. *Dr. Narang*: He is one of the most responsible officers of Government. I just want his opinion.—I think the view of Government would be that if the provincial services as at present constituted—I am not merely referring to those departments which are subordinate to the Indian Civil Service, but I am referring to all departments—if the provincial services as at present constituted were substituted for the All-India services as at present constituted, there would be a distinct fall in the standard of efficiency.

170. Thank you for the answer. Can you give us an idea of the time by which all these so-called Imperial services may be replaced by indigenous staff, if I may so put it ? Do you think that the Indian Civil Service would be necessary for ever ?—That is a question, I am afraid, I cannot give an opinion on.

171. *The Chairman*: May I ask you this. Are you visualising a situation in which, notwithstanding that the All-India services would be more Indianised, nonetheless the province would be autonomous in this sense that it would have no individual posted to it such as an Indian I.C.S. man ?

Dr. Narang: My object in putting this question, sir, is this. If we get self-government, as we hope to get, it may be for our benefit to employ the best talent available. There will be no bar to the appointment of an Indian Civil Service man, if he still continues to be called an I.C.S.—but he may not be called by that name, but there would be no obligation to appoint him. That is my point. The question that I put to the witness was this, whether he thinks that it should continue to be obligatory on this province to employ Indian Civil Service men, and if so for how long.

172. *The Chairman*: I think your question comes to this: Whether the witness considers that the time is shortly to come when men who have attained the present standards which are required in the provincial service will be likely to be forthcoming so that it may not be necessary to call for any supplies from the central Government.—The question, I understand, is whether it will be necessary to maintain a service, composed whether of Europeans or of Indians, which is superior to the present provincial service. My answer would be that you would have to maintain a service with qualifications superior to those of the provincial service. It might perhaps be done by raising the qualifications of the provincial service.

173. *Dr. Narang*: We might as well dispense with importation. Anyhow the point is clear. Now, kindly turn to page 290* of your memorandum. I would just draw your attention to the last sentence of para. 8 after the semi-colon. " It is sufficient to " observe that of recent years there has been a great " increase in demands of a communal, class, sectional " and local character for Government employment, " and that, so far as these demands have adversely " affected or threatened to affect vested interests " by substituting privilege for intellectual ability, " they contribute to communal and class feeling." I would just like you to explain certain words in this passage. Communal, we understand. By " class " you mean rural and urban ?—Yes.

174. By " sectional " ?—Rajputs, Jats and others.

175. By " local character " ?—It refers to the sort of questions that are generally asked in the council. For instance, " will the Government please state how " many Jats from the Hissar district are members of " the provincial service," and so on. That is to say an increase in the tendency of districts to press their claims for employment in Government offices.

Dr. Narang: You recognise that it has led to this evil, that it has created a communal and class feeling. In addition to this has it led to any other evil, for instance, to inefficiency ?

The Chairman: Let me correct the statement lest it might be misreported by the gentlemen of the Press who have not got the book in front of them. The book does not say that it " creates " a communal and class feeling; it says it " contributes to " communal and class feeling."

176. *Dr. Narang*: Thank you, sir; I ought to have been quite precise. Now, this evil is admitted in this memorandum. Has it not led to another evil, namely, inefficiency in service, or rather does it not at least tend to increase inefficiency in service ?—Not necessarily.

177. As a matter of fact has it led to inefficiency or not so far as your experience goes ?—So far as my experience goes, I should say that the effect has been small. It depends on what you call efficiency. If you limit efficiency to intellectual ability, then it is probably true that the effect has been considerable; but if you consider efficiency as extending to the whole field of administration in which you have got to take various factors into consideration, well,

* Vol. X.

then I should say that if you have one community predominating although the members of that community might be intellectually superior to those of another, that would be more opposed to real administrative efficiency and would add more to the difficulties of the administration than as if the members of that service were more evenly spread over the communities, although the general intellectual average might thereby be slightly lowered.

178. The quality of work would also be lowered ?—The quality of work need not necessarily be lowered. Perhaps the language in which, for instance, a judgment is expressed might be lowered, but the general efficiency of the officers taken as a whole might be higher under the second state of affairs than under the first.

179. With respect to one particular department to which reference was made, namely, the Co-operative department, you said that mostly the employees in the Co-operative department are recruited from the rural classes because they have a greater knowledge of local conditions. You do not mean to say that non-agriculturists are totally absent from rural areas ?—No, certainly not. There is also a further reason. One of the chief objects of the co-operative movement is to reduce the indebtedness of the agriculturists. It is therefore on the whole not an unfair presumption that an officer who is drawn, say, from the money-lending or business class would not perhaps be so good a co-operative officer as one who is drawn from the rural classes for whose benefit he has got to work. That is a point that has got to be taken, I think, into consideration. On the other hand, for some other services, say, industrial services, the urban officer would naturally be more suited than the rural officer.

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182. *Dr. Narang* : Did the Government issue any circular to the High Court with respect to the appointment of the subordinate judiciary ?—Recently there has been correspondence between the High Court and the local Government regarding the appointment of subordinate judges and certain proposals put forward by the honourable judges of the High Court have been under consideration. Certain changes which they advocated have been accepted by the local Government.

183. The High Court protested against the letter of the Government asking the High Court to make the appointments of the subordinate judiciary on communal and tribal lines, is it so ?—So far as I recollect they pointed out that discrimination or distinction in regard to various classes or communities must be subject to the employment of qualified men. That is a condition that is accepted by Government. The new rules now provide that firstly all persons who have passed in the first class of the LL.B. examination are eligible for appointment, and secondly all zamindars who have passed in the second class of the LL.B. are eligible for appointment as subordinate judges ; but no person, either a zamindar or a non-zamindar who has not passed at least in the second class of the LL.B. is eligible. I do not think, as far as I remember, that the honourable judges have anywhere stated that a second-class degree of LL.B. is not a sufficiently high qualification for the post of subordinate judges.

184. Was this circular which is referred to on page 288* (restricting to certain percentages the admission of students of the various communities and classes to the various colleges) issued with the concurrence of Government as distinguished from the transferred side of the Government and the honourable minister ?—I cannot give a specific answer to that question. But I should say that such an order would certainly be issued by the local Government and the local Government in a case of this sort would mean the Governor acting with the minister concerned. But I cannot give a definite answer.

* Vol. X.

185. *The Chairman* : Do I understand that education being a transferred subject an order as it originated in the Education department will be issued as a result of consultation between the minister and the Governor ?—Not necessarily every order ; but an order of this sort containing an important question of principle would not ordinarily issue without His Excellency having seen the case. I think the question was whether the Minister issued it on his own authority or whether it was an order of the local Government.

186. *Sardar Ujjal Singh* : You know that in the police department selected persons in the provincial police service are promoted to the Indian Police service. Are provincial civil service men similarly promoted to the Indian Civil Service ?—They are not actually promoted to the Indian Civil Service ; they are promoted to what are known as listed appointments.

187. Some of the provincial civil service men are recruited by competition and some by nomination ?—Yes, 2 vacancies in 16 are filled by competition.

188. Do not these provincial civil service men recruited by competition possess very high educational qualifications ?—Yes.

189. Almost equal to those of the Indian Civil Service men ?—I should say yes. I should say we get, on the whole, for the provincial civil service competitive examination probably the best men in the province except the very best men who go for the Indian Civil Service examination.

190. You said that you do not get the same class of officers by pure competition in certain departments. Will not that object be achieved if the men were recruited by selection by an independent expert body like the Public Service Commission ?—In that selection would you pay any regard to class and community ?

191. Certainly they will take into consideration whether that candidate possesses that aptitude necessary for the particular class of service ?—I think it would be still necessary for Government in accordance with its present policy to tell a provincial services commission that it required so many officers of a certain community, so many officers of the second community, so many officers of the third community, and so on. I do not think the provincial services commission would do away with that necessity.

192. Does not the appointment on communal lines impair the discipline for the reason that such officers are apt to believe that they owe their duty first to their community ?—I do not think that mere recruitment does that.

193. Recruitment on communal lines does not impair discipline ?—I do not think the mere recruitment of 5 Muhammadans, 6 Hindus and three Sikhs out of a total of 14 affects one way or another the discipline or the attitude of the officer who is selected.

194. Supposing there was one vacancy and if that goes to a member of a particular community in preference to the other, will not the treatment in that case impair the discipline ?—It is rather a hypothetical case.

195. Does not the system of communal representation in services give an opportunity to Government to favour one community as against the other and thus indirectly accentuate the communal differences ?—It certainly gives an opportunity if Government chose to take it, but Government does not take it.

196. Mr. Barker, President of the Public Service Commission, says in his memorandum, " So far as " suitability for public services can be judged at " the age of 22 or 23, I see little or nothing to choose " between the English or Indian candidates." Do you agree with that view ?—It is quite impossible to express any opinion either about a European or Indian officer at the age of 22 or 23. It is really very difficult to express any opinion in regard to either a European or an Indian whether he is going

to be a really good officer until he has put in eight or ten years' service.

197. *Sir Hari Singh Gour*: When a provincial officer is placed in charge of a district, does he get less pay than the Indian Civil Service man when he is similarly placed ?—He does.

198. What is the difference in pay of the two officers ?—There is no fixed pay for an Indian Civil Service officer in charge of a district. It depends upon his length of service. It may happen that a young civilian in charge of a district may be drawing less pay than the provincial civil service officer in charge of a district.

199. *The Chairman*: It depends, I gather, on his standing ?—Yes. On the number of years of service.

200. When a provincial officer sits upon the High Court bench does he get the same salary as an Indian Civil Service man on the High Court ?—I think he does. I cannot say definitely, but I am practically certain that he gets the same.

Sir Hari Singh Gour: All High Court judges get Rs. 4,000 a month, whether they are Indian Civil Service, provincial civil service or from the Bar.

201. As regards the provincial civil service, do you think that the standard of academic qualifications and efficiency have gone up in recent years ? Do you get better men for the provincial civil service than you used to get, say five years ago ?—Certainly. I wish to make it clear in the evidence I give that I cast no aspersion at all on the provincial service. They are an able body of officers. We have been able to raise the standard very considerably, not only in the past five years, but even during the past two years. We have recently introduced the rule that no one is eligible for appointment to the provincial civil service unless he is a graduate. Up to two years ago we used to take a considerable number of candidates of what we call the C class, that is to say, the candidates were generally men of good family, and of standing in the province, but they were not B.A.'s. We are now able to insist on a degree, and there is no scarcity of men of the same class, of men of the same social position and standing in the province. We are still able to get them, but they have got much higher educational qualifications than formerly.

202. Supposing you make progress at that rate, how long do you think it will take to raise the standard of the provincial service men to that of the Indian Civil Service men ?—It seems to me that under any form of government—I mean even when there is complete self-government—it will still be necessary to have a superior provincial service corresponding to the old Indian Civil Service—whether it is still called the Indian Civil Service or not—and also another provincial service where the qualifications are rather less than those in the superior service.

203. Would there be ample materials to recruit for the superior services you speak of ? Will there be ample materials in your province to recruit for the All-India services—we will call it ?—Not at present in our province, if the Indian Civil Service examination is made the test. The Punjab has been singularly unsuccessful as regards the Indian Civil Service examination. If the Indian Civil Service examination were the only test for Indian candidates, then I am afraid the Punjab would come off rather badly. It would get filled by candidates from other provinces, which is not I think what the Punjabi would appreciate.

Sir Hari Singh Gour: You have said in paragraph 16, on page 293*, that "In so far as the Reforms "may have indirectly contributed to the growth of "communal hostility from a struggle of the com-"munities for political power, they have for the "time at least added greatly to the work and re-"sponsibilities of the services." To what extent have they added to the work and responsibilities of the services ? And do you refer here to all the services or only to the superior services ?

204. *The Chairman*: May I suggest that the rest of the paragraph, as I understand it, really is the answer to that question. Is it not ?—I think the answer is there, sir.

205. *The Chairman*: It is said in the same paragraph that "In districts where there are large towns, "e.g. Lahore, Amritsar and Multan, the deputy "commissioner has had to exercise for months at "a time the utmost vigilance to guard against actual "outbreaks, for at any time a trivial incident might "occasion a riot, the after-effects of which would be "felt for months," and so on. Is it not rather what you wanted ?—The answer is that the security services have had to bear the greater part of the burden.

206. *Sir Hari Singh Gour*: What about the other services ? You said "responsibilities of the services." You emphasise only the security services. Do I understand you to do that ?—No, I think to a less degree communal factors have added to the work in other departments. They have added to the work in other departments, because if there is communal feeling in an office or in a department it does add to the work and responsibilities of the officer in charge of that office or department.

207. Then, there is an increase in the work and responsibilities all round ? In the whole service ?—Yes.

208. Though not to the same extent ?—Yes.

209. Now, in your province recruitment has been I think on the basis of agriculturists and non-agriculturists ?—For certain services; yes.

210. And the tendency now is as you point out that it should be on the communal basis ?—The demand is; not the tendency.

211. The demand is that it should be on the communal basis ?—Yes.

212. Supposing you acceded to the demand would it impair the efficiency of the services ?—It does not seem possible to accede to the demand at any rate not entirely, because recruitment is not only by direct appointment to the services but also by promotion from the subordinate services, and when questions of promotion are under consideration you obviously cannot discriminate between Muhammadan, Hindu and Sikh. The best man, whoever he may be, gets the promotion.

213. I may take it that you are hopeful that there is no immediate prospect of the recruitment being made on communal lines in your province ?—I do not quite understand.

214. There is a demand that the recruitment to the services should proceed on communal lines, and your Government is opposed to it.—What the Government is opposed to is taking the basis of population as the principle of recruitment. But as already explained it is one of the accepted principles of Government policy that no class or community shall get undue preponderance and in order to satisfy that condition it is obviously necessary that Government in its recruitment should pay attention to the communal factor.

215. What is the percentage of the depressed classes in your province ?—There is not any depressed class here.

216. The untouchables ?

Dr. Narang: 8 per cent.

The Witness: Have we got any untouchables in the strict sense ?

Rao Bahadur Rajah: The figures are given on page 7 of the Punjab Government's memorandum.*

217. *Sir Hari Singh Gour*: Has any special effort been made to alleviate these unfortunate depressed classes in your province ? You have made provision for instance in your colleges and schools for 40 per cent. Muhammadans ?—As far as I know there is no distinction between depressed classes and any other classes. The schools are open to all.

218. It is not a question of any distinction. I want to know whether any special facilities are given to these classes, seeing that they are so low down in the

* Vol. X.

social scale, to bring them up ?—I am afraid I have not got the information necessary to answer the question as to whether any particular facilities have been given or not. I think they probably have benefited largely by the general facilities given to everybody.

219. *Sir Zulfiqar Ali Khan* : Mr. Emerson, we have dealt practically with all the aspects of the services, but there is one point which from my point of view has been ignored, and that is this. I should like you to explain whether you give the different communities their just and legitimate share in the different services ?—Might I know what you mean by " just and legitimate " share ?

220. According to the population basis ?—Government have not accepted the population basis as the criterion for recruitment.

221. Government then would not mind if any community goes unrepresented in the service ?—Which service ?

222. According to this rule which you have enunciated Government do not give employment according to the ratio of the population ?—They have not accepted that principle.

223. From that I understand that supposing a community goes unrepresented in any service of the Government, you do not mind it ?—I think the answer to that is on page 286,† paragraph 4.

The Chairman : You are asking the witness what is the policy of the Punjab Government. It is I think very clearly stated in the third paragraph on page 285.† * * *

224. *Sir Zulfiqar Ali Khan* : What I want him to answer is this. Mr. Emerson, do you think that in all the departments of Government one community has not any undue preponderance over the other ? —In any particular department of the Government ?

225. I want to know whether in all the departments of the Government or in any department one community has not the preponderance over the others ?—It is not the view of the Government that any community has undue preponderance. Government does not admit that.

226. Government say that they would not like to give undue preponderance to any community over the others. Is it not so ?—Yes.

227. What is the real situation ? Has not one community undue preponderance?—No ; Government does not admit that one community has undue predominance in the service as a whole. Some slight changes in the communal distribution may occur as one community becomes more educationally advanced, and so on, but Government would certainly not admit the general proposition that any community has an undue preponderance in the departments of the Government.

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231. *Sir Zulfiqar Ali Khan* : What I mean is that the Muhammadan community has suffered all along for want of due representation in the different services. I would like Mr. Emerson either to deny or accept it.—I said that Government would make no such admission.

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233. Mr. Emerson, you said that in the promotion of provincial civil service men to the Indian civil service status you select the best men ?—Yes.

234. Could you please tell me how many so far you have selected ?—I am afraid I cannot tell you off-hand.

235. But there has been a steady increase in the number ?—The policy is to increase the number of listed posts until I think in 1936 it will reach 20 per cent. of the total number of superior posts in the Indian civil service.

236. *Sardar Shivdev Singh* : Mr. Emerson, you just remarked that some correspondence had passed between the High Court and the Government as regards the basis of recruitment in the provincial civil service ?—Yes.

237. I could not hear how it resulted, whether the Government admitted the principle, or Government did not admit the principle as recommended by the judges of the High Court ?—Which principle ?

238. That communal consideration should not be given a place in the recruitment of the provincial service ?—That was not the contention of the honourable judges of the High Court. The honourable judges never contended that. All that they pointed out was that communal considerations must be subject to the condition that the persons appointed should possess certain qualifications. And there has been complete agreement on that between the Government and the honourable judges.

239. That is a sound principle no doubt. So it is going to be acted upon with the concurrence of the Government and the High Court ?—Yes.

240. Of course you would be glad to tell us that the constitution of the present High Court is such that there are honourable judges of the Christian, Muhammadan and Hindu communities at present ? —That is a question of fact.

241. Is it a fact also that since the constitution of the present High Court, and before that the Chief Court, no Sikh has ever been appointed either as a permanent judge, or as an additional judge ?—I am afraid I have no information as regards that, but I am quite prepared to accept your statement.

242. There has been a great deal of expression of opinion as regards the Indian Civil Service examination and the competitive examination. I would like to know whether examination is the only test of efficiency ?—I should like to make this point clear. For our provincial civil service executive branch, the test of competitive examination is only used in regard to the recruitment of one-eighth of the total number of officers recruited ; that is, two out of sixteen.

243. *Dr. Suhrawardy* : In reply to Lord Burnham you said that the deputy commissioner still continues to be regarded as a local providence. May I enquire if he still continues to be what we call the chairman or president of the district board, broadly speaking ? In our province—and I hail from Bengal—we have the district magistrate who is ex-officio chairman of the district board ?—Yes, in most cases. In two or three districts only he is not the chairman of the district board, but in the rest of the districts he is chairman of the district board.

244. Is he still being regarded as a local providence ?—He has the opportunities of being so regarded if he wishes to take them.

245. In reply to Sir Zulfiqar Ali Khan you said that Government is not prepared to admit that there is undue preponderance of one community over another in the matter of appointments ?—I said that this was so for all departments of Government taken as a whole.

246. Are you prepared to admit that in some departments of Government there is an undue preponderance of one community over another ?—I could not answer without looking at the figures. Where there appeared to be any preponderance, efforts would be made to put it right in the course of recruitment. But obviously you cannot put it right all at once. You cannot dismiss men on that account.

247. I am only asking you about facts. When you said that Government is not prepared to admit it in the case of all departments, do you mean to say that your Government has attained the ideal of maintaining equity and justice ?—I do not think it has ; it does not claim to have reached that.

248. *The Chairman* : We are greatly obliged to you, Mr. Emerson. We have had rather a long session with you. It is time that we asked Mr. Stead in. Would you like to stay ?—If any general question crops up as regards law and order, it may be necessary for me to answer it. I should like to stay but only with a watching brief.

† Vol. X.

Mr. CHARLES STEAD, C.B.E., Inspector-General of Police, Punjab.

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251. *The Chairman*: * * * You became Deputy Inspector-General of Police in 1925, Inspector-General of Police in the North-West Frontier Province in 1927 and Inspector-General of Police in the Punjab in February, 1928 ?—Yes, sir.

252. I would like just to get two or three facts. Will you tell me in round figures what is the size of the police force in the Punjab ?—About 22,000.

253. As we all know from reading these books, the population in the province is something like 20 millions and a half ?—Yes, something like that.

254. That seems to show that you have got one policeman for something under a thousand inhabitants ?—That is so, sir.

255. Looking at it from the point of view of area, the area of the Punjab is I think about 92,000 square miles ?—Yes, sir.

256. You get one policeman for every four square miles ?—Yes, sir.

257. Then we have learnt to-day that the province is divided for police purposes into three ranges ?—Yes, sir, each under the charge of a Deputy Inspector General of Police.

258. Is there a fourth Deputy Inspector General of Police ?—Yes, sir, he is in charge of the Criminal Investigation department.

259. In the police service could you tell me how many All-India officers there are ? I think the figure must be in the book here on page 295.* It is 109 Europeans. Speaking generally, what sort of positions in the police organisation do those All-India officers hold—they may of course be Europeans or Indians ?—The Assistant Superintendent of Police is an Imperial service officer who serves under a superintendent. The Superintendent holds charge of the district and as I said before the District Superintendents are under the Deputy-Inspector General of the respective range.

260. Then we may take it at present that in the All-India Police Service there are the Inspector-General, the Deputy Inspectors-General, the majority of the District Superintendents, and in most cases the Assistant Superintendents ?—All the Assistant Superintendents belong to the Imperial service.

261. So much for the All-India officers. We are told that there are other gazetted officers ?—There are Deputy Superintendents—provincial service officers—they are about 47 to 50.

262. Is that again taking the same range like the Assistant Superintendents ? I am not clear whether 47 Deputy Superintendents would go higher than the Assistant Superintendents ?—They are lower, sir.

263. Then there are officers subordinate to them ?—We have inspectors, sub-inspectors, etc.

264. Those are the grades. What is the rank of the officer who is responsible for a particular thana ?—It is the sub-inspector.

265. Of course you have got a lock-up in the thana ?—Yes, sir.

266. I do not think we shall probably desire to go into the details of the Lee Commission, but I would just remind the Conference that the Lee Commission recommended that there should be a working up to a 50–50 proportion in the All-India service of police. Is that scheme being applied to the Punjab in your service ?—Yes, sir.

267. I would like to know what is the year by which you propose to get the 50–50 proportion ?—I am afraid I do not know, sir. I know the number of Indians and Europeans to be recruited every year is settled by calculation by the Government of India.

268. How do you recruit your rank and file ?—The recruitment in the rank and file in the district is made by the Superintendent of Police.

269. Mr. Stewart tells me that the Lee Commission recommended that you should reach this 50–50 proportion in the case of the All-India service for police in 25 years' time, in 1949. You are saying that the rank and file are recruited locally. When we were in Bombay the other day we were told something about there being an armed and unarmed police there. What do you do in the Punjab ?—We have no separate armed and unarmed police. They all bear arms in due course.

270. I think so far as I am concerned I only just want to ask about two matters more, both very grave and important matters. First of all, I should like to know to what extent in your experience the tension of communal feeling permeates the police force itself ?—To a very little extent, almost negligible.

271. That is very good. Do you mean that the policeman does his duty without being deflected by communal feeling ?—That is so, sir. I can give you an example. The other day in the Gurgaon district in connection with cow slaughter the police were unfortunately compelled to fire. Of the policemen who fired, 11 were Hindus and 10 Muhammadans; and they all fired on the Hindus.

272. The point is there is no difference in their willingness to discharge their duties, i.e. to obey orders. You will appreciate that we are anxious to get your candid view. Granted that there is a great deal of communal feeling in this province, do you find when you are recruiting or training your men that it is in itself a disintegrating element in the efficiency of the force itself ?—There are difficulties in getting Hindus to come in. The Hindu considers his services rather more valuable than the Muhammadan in the same class, but recently since we improved the pay and prospects of our constables in the lower ranks we have been able to get Hindu recruits much more freely than before.

273. *Lord Burnham*: You get Jats ?—Not to the extent we would like. The Jats are recruited very largely for the army.

274. *The Chairman*: You explained just now that you have not got here the system of armed and unarmed force. Is every policeman put through training with arms ?—Yes, sir. He may be employed in clerical duties, but in due course of time he goes to the armed duties again.

275. Why do you pass each policeman through the armed reserve ?—Well, we find it convenient. In the past as a matter of fact the Punjab Police was a force formed of the old Sikh *paltans*. When we took over the Punjab from the Sikhs we took over some ten or twelve police regiments and those were distributed around the districts. They formed our police forces. They took part in quelling the mutiny and from that time we have armed police forces.

276. The other question I must ask has to do with irregularities in the force, what is bluntly called corruption. I wish you just to give the Conference the benefit of your experience and observation, anything you can properly and fairly tell us on the subject of corruption, in the force, and the extent to which it can be effectively dealt with ?—That there is corruption cannot be denied. It is not universal—by no means. We have a large number of honest officers. But taking of money in certain ways is a custom in this part of the world—in business and professional life too. It is a part of the life of the people.

277. Perhaps it is possible to regard office either as a career or as an opportunity. Is that it ?—Quite so, sir.

278. I do not wish to do more than ask you whether in dealing with this difficult subject of corruption you think that has got anything to do with it ?—Yes, I am afraid government servants of lower ranks are inclined to regard service as an opportunity rather than a career. I do not wish this to be applied merely to my own force.

* Vol. X.

279. I suppose that there must be many under you in the subordinate posts in whose probity you have no doubt at all ?—There are, sir ; many.

280. Well, I want to know what in fact is done to discourage this. Do you find in practice it is possible to deal with such cases ?—We deal with a great number of cases. There are statistics. They are repeated in the legislative council from time to time by the honourable Member in charge of Police.

281. *The Chairman* : We have been promised by Mr. Emerson that he would supply us with statistics. Wherever this kind of thing is able to exist—and no doubt it exists to a greater or less degree elsewhere—it is extremely difficult to find out and to prove. You take action I suppose only when your department is satisfied that a case is one for disciplinary action ?—Yes, sir. But we find that judicial proceedings in these cases are invariably abortive. They may be convicted in the original court, but if they happen to appeal to the sessions court they may get the sentences reduced, and if they try the last resort they are almost certain to be let off by the High Court.

282. Do you conduct departmental investigations ? Yes. They are what are called departmental inquiries. The charge is framed against the accused officer, he is called upon to produce his evidence, he is given the chance of examining the witness produced against him. It is all done departmentally by his own officers who write out the findings. Cases concerning the lower ranks are disposed of by the Superintendent of Police. But the man has an appeal to the Deputy Inspector-General, and if he is unsuccessful there he can ask the inspector-general to take up the case on the revision side. He has a fair trial.

283. Have cases arisen which you have considered require disciplinary action in ranks above the rank of ordinary policeman ?—Last year, I think, we dismissed five or six sub-inspectors for corruption. We have, if I may say so, taken more action as regards corruption not only now but for some years past than any other government service in this province.

284. Without going into great detail, I wish you to just give us some slight indication of the form that corruption usually takes—there is presumably the receipt of money or money's worth—but what is money paid for ?—It is a very long story really. There are different forms of corruption. There is one known as *shukrana*. A man may have a false complaint brought against him. At the police station he may be charged of theft or abduction or something like that. The sub-inspector makes enquiries but finds that there is no case against him and he lets him out. If that sub-inspector gets gratification for doing so it is called *shukrana*.

285. *Sir Zulfiqar Ali Khan* : Is it because he is elated that he pays ?—He is so pleased and overjoyed that he expresses his gratitude in a tangible form.

286. *The Chairman* : I think if it was done systematically it might certainly be regarded as analogous to corruption. Of course it very easily leads to the opposite situation that unless something of that sort is done it may be all the worse for him.—We do not condone even that particular form though it may not be absolutely sheer corruption.

287. *The Chairman* : I should like to repeat the observations which I made earlier in the day. I gathered that you take the view—either for historic reasons or for whatever reasons there may be—that this unhappy situation is rather deep-rooted here. It follows—does it not, Mr. Stead—that it cannot possibly be attributed to some recent constitutional change or anything of that kind ?—In no way.

288. And of course, Law and Order being at present reserved, it has nothing in the world to do with their transference ?—Nothing whatsoever.

289. It goes without saying that you and your subordinates do your best to stamp it out. If you feel you can, I should be glad if you can tell me how far you think that the presence of what I may call the " neutral," I mean the British officer, is helpful in stamping it out—I do not for a moment suggest that there are not Indian officers who are not equally keen to stamp it out but I want to know whether in your view the neutral who is in some position of importance assists or strengthens the machinery to stamp it out ?—It is, sir, a decided advantage to be neutral. The man who is being run in for bribery cannot say that this officer has run me in because he is either a Muhammadan or a Hindu.

290. You see it is not enough that you should have a machinery for ascertaining such incidents, but you must have a machinery which will without any compunction deal with them severely.—Yes, sir.

291. From that point of view I should like to have your own view.—The actual fact is—as far as this province is concerned—that there is so much in the way of *sifarish*, i.e. recommendation. An Indian officer would have all sorts of people coming round to him, through his relations and through his friends, imploring him to spare this man and that man, saying that he has so many children and that if he were dismissed his family would starve. The Indian officers have a very uncomfortable time ; so much so that I have frequently been asked by some Indian officers to move them to districts far away from their homes so that their relations and friends will not like to pay railway fares often in order to see them.

292. If you want to add anything which would be of help to us—because it is a very important subject—please do so.—No, sir.

293. *Captain Sikandar Hayat Khan* : Mr. Stead, you said that the status of the assistant superintendent was higher than that of the deputy superintendent. You meant, I think, the status of their service. But will you please say whether they have got identical duties to perform ?—They do more or less the same duties.

294. With regard to recruits—about the communities which have not been so far represented in the ranks. Is it not a fact that the Sikhs prefer to go to the army like the Jats ?—Yes. At present we have got a good number of Sikhs owing, I think, possibly to the recently introduced short-service system in the army. While I was in Amritsar recently, I found that in a batch of recruits the majority were Sikhs and educated Sikhs too.

295. You are getting educated people in the rank and file in a larger proportion ?—Yes, a considerably larger proportion.

296. With regard to action against corrupt officers, do you not feel that there is difficulty in getting evidence whenever you want to start an inquiry, whether judicial or departmental ?—There is a certain amount of difficulty if it is judicial, but if it is departmental it is not so difficult because in that case we are not bound by the ordinary law of evidence.

297. Do you not feel that the departmental procedure is cumbersome as the judicial proceedings are sometimes abortive ?—They are sometimes cumbersome but they are not frequently abortive. I have myself as Superintendent of Police never found any great difficulty in dismissing a corrupt officer. You see, you can observe his work, make personal investigations, find out the irregularities he commits and thus can bring proof against him which he would find it very difficult to get out of even with any amount of defence evidence.

298. Do you not think that if you have a procedure similar to that in the military—I refer to court martial—it would be more effective in checking this tendency to corruption ?—I do not think they would probe the thing in the same way as an officer who is put on to hold an inquiry would ; he would prove to be much better than three or four officers sitting down together.

299. *Dr. Narang* : You will see on page 204,* paragraph 70, there is a reference to the opinion

† Vol. X.

" that the force as a whole was somewhat over-
" bearing in its attitude to and treatment of the
" public and considered itself as under the special
" ægis of the Government and not in the light of
" a servant of the public." Do you think there is any justification in this criticism ?—There is some justification in it and there is some want of justification for it too. I mean to say that the people who complain that there is considerable overbearingness in the policeman should remember that if they were in his place they would be equally overbearing.

Lord Burnham: The complaint is made in every country in the world.

Dr. Narang: We at least are admirers of the policeman in England; we think him to be an angel. I can honestly assure you that that is the impression that an Indian who visits England has.

The Chairman: They also give trouble you know.

300. *Dr. Narang*: Are you taking any steps to remove this impression from the minds of the public ? —Certainly.

301. Have you met with any success ?—I should say that we are not very unsuccessful in our efforts. We are trying to impress on the constable that he is not merely *sirkari naukar*—he is not merely a Government servant—but a servant of the public.

302. Have you found from recent occurrences that your lessons had any effect ?—One now finds that he is not always complained of.

303. You said that the police is not deflected from its duty by inter-communal feelings. I believe you were the head of the department in 1926 and also in 1927 ?—In 1927 I was in the Frontier; in 1926 I was on leave most of the time.

304. You know something about the Rawalpindi and Lahore riots of 1927 ?—I was present in Lahore during the riots of 1927.

305. Were any complaints made to you about the conduct of the police with regard to their communal bias and so on ?—Yes, we had complaints from Hindu quarters against Muslim constables and from Muslim quarters against Hindu constables. We were also told that the investigation officers were largely Muhammadan and were spoiling the case and we had also similar complaints from the Muhammadans against the Hindu staff.

306. What about the lower ranks, the constabulary ? Did you not receive any complaints that they had actually taken part in rioting, beating the Hindus ?—Complaints were made certainly, but they were enquired into and they remain entirely unsubstantiated.

307. Did you call for evidence on that point ?—An enquiry was made.

308. Did you give an opportunity to the complainants to produce evidence ?—They were given every opportunity to prove their case.

309. And nobody came forward to give evidence ? —I really cannot say. I was transferred at the end of the riots; but an enquiry was held, I know, with the result that none of these charges were proved. They were very vague charges to the effect that the police constables had actually participated in the riots, that, for instance, the Muhammadan constables had been rioting and beating Hindus and the Hindu constables had been rioting and beating Muhammadans. These sorts of complaints were made and no real foundation was discovered after enquiry.

310. Was this enquiry made by your own officers ? —Yes, it was by our own officers.

311. You say that now you are getting a fair number of Hindu recruits. I have taken a very special interest in the recruitment of Hindus in the police, as you know, in the last two or three years; I receive complaints that they are still not enlisted whereas you say you are now getting them in good numbers. How do you reconcile these two positions ? —I shall be very glad to hear any specific complaints. I am particularly interested in the question myself.

312. One of the causes mentioned is this; that the Hindu recruits are examined by Muhammadan head constables or sub-inspectors and are declared unfit by them.

The Chairman: The actual recruiting, I suppose, is done in the districts where it will be the District Superintendent of Police who decides. I do not appreciate the point that it will be decided by people of the rank of sub-inspectors or head constables.

Dr. Narang: Suppose a candidate offers himself for recruitment. He either puts in an application or presents himself personally. The superintendent then perhaps directs the inspector or the sub-inspector or even the head constable, whoever happens to be on the spot, to examine the applicant by way of measuring his chest and so on. The complaint is that sometimes it is stated that the chest is shorter by one inch, his height is less by two inches, his stature is short and so on and then he is declared unfit.

313. Will you please tell us whether any specific instructions have been issued for the increased enlistment of Hindus to the police ?—Yes, instructions have been issued.

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315. Is there any community which is totally excluded from recruitment to the police ? Are the depressed classes taken into the police service ?—No.

316. Why ?—For various reasons. One reason is that the men would not tolerate them; another thing is that the depressed classes are the most criminal classes in the Punjab.

317. All depressed classes ?—Yes. The Musallis for instance.

318. They are not depressed classes in the sense that they are untouchables. Take Megs for instance, they are looked upon by the Hindus as untouchables but there are weavers and farmers among them by profession. Take the Batwals; there are a large number of them in the Sialkot, Kangra and Hoshiarpur districts ?—We do not enlist low class people in the Punjab as a matter of recruiting policy.

319. Have no representations been made about this that this bar of birth should not be allowed to stand in the way of their seeking a career in the police ?—I have had no representations.

320. Nor any public criticism of this ?—I am not aware of any.

321. *Sardar Ujjal Singh*: There is now of course a greater proportion of educated men in the police than before. Have they proved more efficient than the illiterate people ?—It is rather a hard question. It depends upon the work they are called upon to carry out. The illiterate man, the countryman, has many valuable qualities which are absent in his brother who has gone to the town and is educated. One thing is that observation is very much more highly developed in the agricultural labourer than in the boy who spends his time in the school.

322. Suppose he received his education in the rural school, then will he be better equipped for the police service than his illiterate brother ?—On the whole the literate man if he has the required physique is better than the illiterate man; but I would not bar the illiterate man from recruiting. He has many very valuable qualities. The literate man has no need to memorise; the illiterate has to memorise. He has to carry everything in his head and his observation is extraordinarily keen. If you came across our trackers you would not find a single tracker who is literate. If you put them to school they would not be so capable as they are now.

323. Education affords facility ?—On the whole the literate man is preferable; but I would deprecate any attempt to bar the illiterate from joining the service.

324. Other things being equal you would give preference to the educated man ?—Yes.

325. *The Chairman*: An observant policeman who could read and write is presumably better than an equally observant policeman who cannot read and write ?—Yes. We teach our illiterate recruits to read and write.

326. *Sardar Ujjal Singh*: In answer to a certain question you said that you are adopting some measures to check the overbearing attitude of the police force. Have you noticed any appreciable improvement in this attitude ?—I think there is an improvement.

327. *Chaudhri Zafrullah Khan*: What is the present pay of the police constable in the ordinary grade ?—He starts on Rs. 17 and goes to Rs. 20 and when he goes to the selection grade he goes up to Rs. 28. This is the pay ordinarily in the districts. But this varies. In Lahore for instance the pay of a constable begins at Rs. 22.

328. What is the average number in an ordinary policeman's family ?—I am afraid I could not tell you, three children probably.

329. Do you not think that corruption in the lowest ranks might be due to the fact that Rs. 17 per mensem does not furnish a living wage ?—Rs. 17 per mensem is no doubt a very tight fit for a man to feed his family and provide clothes. It is certainly open to the construction that you put on it.

330. Since when has the pay been raised to Rs. 17 ?—I think it was in 1920.

331. Where does the sub-inspector start ?—He starts on Rs. 80 and goes on by increments up to Rs. 160.

332. And the inspector ?—He starts from 180 and goes on to Rs. 300.

333. Does the Rs. 80 for the sub-inspector include his horse allowance ?—He has a horse allowance in addition.

334. Corruption is one thing. Are there frequent complaints of torture during investigation ?—Not now as there used to be. They do occur.

335. They still occur ?—Yes, they do still occur.

336. In one or two cases it has been alleged that the men died under torture ?—There was one case. You are probably alluding to a Wazirabad case.

337. What steps are being taken to obviate that kind of thing ?—Those men are sent up for trial.

338. I am not referring to particular instances. What steps are taken to make them impossible generally ?—To punish it when it is discovered.

339. But does it not happen that when cases go into court, cases of allegations of torture against police officers, in a very large number of cases there are acquittals ?—A very large number of allegations are false. They are merely introduced by a trick of the counsel. To impugn an investigation it is a very common thing to make allegations of torture, and it is really more common among the really hardened criminal classes. The habitual criminal is almost bound to allege torture when he goes into the court.

340. I put another aspect of the case to you. Do you not think that your ordinary sub-inspector who has got to investigate these cases—cases even of murder—has got very little detective training and therefore he has got to resort to the direct method ?—Not the sub-inspector.

341. What kind of detective brain does the sub-inspector get in order to detect crime ?—Of course he has the particular brain that God has given him. We cannot take any steps in that direction. I agree that the detective brain is a peculiar kind of brain. We take in a number of men. They have not all got that detective brain. We cannot help that. We can train it to a certain extent.

342. What is the detective training which is given to station house officers ?—First his training is of course at Phillaur where he learns the principles, and he has observation classes and he is taught the ordinary methods of investigation. Then he goes out to the districts and is trained under another sub-inspector who is a qualified and reasonably expert detective officer himself. He goes about with this officer on investigations, and that is the way he becomes in due course a fair investigating officer. In five or ten years an ordinary man becomes a very fair investigating officer. There is the man who is naturally a good detective officer, and there is the man who will never be.

343. How long is the training at Phillaur ?—One year.

344. During which observation classes occupy how much time ?—Observation classes go on practically every day of the working days. I cannot give you the actual hours.

345. In addition to observation classes is any police officer or any class of police officers trained in a more technical kind of detective work ? For instance, you detect by the identifying marks made by thumb impressions, by following any clues that might be furnished by smell or other things that might be left on the scene of the occurrence. You analyse blood marks ?—They are not chemists. They cannot analyse. We have a gentleman who is known as the Imperial serologist. All such marks are sent to him for examination. They are all trained in finger prints—the whole lot.

346. Is there any training given in photography, so that if a sub-inspector wants to preserve the condition of the place or person where or in regard to whom an offence has been committed he can do so ?—We have a photographic bureau of our own, and a good many sub-inspectors do know photography. It is a hobby. And the services of local photographers are always used when necessary.

347. Do you think a local photographer is available at all police stations ?—If a sub-inspector wants one he can get one.

348. *Dr. Narang*: I have read your memorandum, Mr. Stead—I mean the memorandum submitted by the police.—It is by Government.

349. There is a memorandum submitted by the police officers, not by Government. The Imperial police officers have submitted a memorandum.—I have not seen it.

350. They have laid great emphasis on this, that their department should not be transferred to the ministers. Do you agree with them ?—I agree.

351. And your reasons ?—It depends on what exactly is meant by " transfer to ministers."

352. I shall explain to you. You know there are two sides of the Government—one reserved and the other transferred. There are certain subjects which have been reserved and others which have been transferred to ministers who are responsible to the legislative council. Law and Order have not yet been transferred, and yours is a department on the security of which the maintenance of law and order depends. And the members of the Imperial police service have memorialised the Commission that their department should not be transferred to the ministers as they fear that the police will also become a pawn in the political game and officers will be very much hampered in the honest discharge of their duty, because if they take some action, pressure might be brought to bear upon the minister in charge of the police and they might get a censure which they do not deserve and which they would not have got if political forces had not been at work. Do you agree with that ?—I am not in possession of the views of my Government on this subject.

The Chairman: But I think you can tell us your views.

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I am really giving the views of my Government. I am not in possession of the views of my Government on the point raised by Dr. Narang.

354. I appreciate you will not be giving the views of your Government; you were giving your own views. I hope you will give us your views.—Very well, sir.

355. What is your view ?—It depends on who would be the minister. If the minister were a permanent Government official I should view the police becoming a transferred subject with no apprehension. If he were a politician, a political minister, I should view it with the gravest apprehension.

Dr. Narang: Why ? He would be a politician who would be responsible, and he would be removable by a vote of censure.

The Chairman: I perfectly understand that in this matter you (to the witness) are not speaking of course for the Government. But after all we have before us a gentleman who has had long experience and I think Dr. Narang is perfectly right in asking for your reasons.

356. *Dr. Narang*: The Conference would like to know the reasons for your apprehensions in case a minister who is a politician is called upon by the Governor to form a ministry ?—A politician is dependent upon his supporters, his voters, and he will be called upon to comply with all their combined and individual demands. That is the drawback. A permanent official is not under that disability. His post is permanent and he has not to look to his voters for his future.

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358. *Dr. Narang*: Do you think that the police would be safe from the influence of political bodies, voters and ministers and politicians, if it were made a central subject under the Government of India ? Take the Income-tax department for an analogy ?—I do not think that it is practical politics. The police must be under the undisputed control of the Governor of a province in which they serve. I believe that such a system obtains elsewhere, but I am quite sure that it will not suit this country.

359. But supposing it is to be transferred to popular control, would you like it to be transferred to the local politicians' control, or to the central popular Government if it is inevitable ? Assuming that it is to be transferred, what would you prefer ?—I have not considered that point.

360. *Mr. Owen Roberts*: We have been told that the deputy commissioner is at the head of the police in certain directions ?—Yes.

361. Would you tell us how that works out in practice ?—That again is a very long story. It is all laid down in our police rules and regulations. I might refer you to that, Mr. Roberts. I will give you a copy, if required.

Raja Narendra Nath: It is an example of diarchy depending upon co-operation between the district magistrate and the district superintendent of police.

The Witness: To put it very briefly, Mr. Roberts, the district magistrate is concerned with questions of policy where the police are concerned largely, but he does not interfere in their internal affairs. The internal affairs, as for instance discipline, clothing and equipment, are all in the hands of the superintendent. But the district magistrate is responsible for the peace and law and order of his district and he therefore must have a great deal to say about the working of the police. It is all laid down in different rules and regulations and it will take me a long time to explain it.

362. *Mr. Owen Roberts*: If the district magistrate is responsible for policy, it is largely a matter of judgment, you see ?—Yes.

363. When you have cases of very senior police officers acting under joint district officials, do you think that it is a very desirable condition ?—It is awkward. I never had experience of it myself, so perhaps I am not in a position to say very much about it.

364. There is one other question I would like to ask you. Is the superintendent of police ever called upon to express, or does he in actual practice ever express an opinion on the work of the magistrate ?—No; never.

365. *Sir Arthur Froom*: Arising out of a question put to you by the Chairman on the troublesome business of corruption, I think you have explained to the Chairman how an accused, possibly a guilty person, might get off at a police station by bribery and be let free. Now, have many cases of rather the converse description come under your notice where police had brought forward trumped up cases because they had not received some bribery ? Is that frequent ?—That is a very rare form. I had never had one brought to my notice.

366. *The Chairman*: I do not know whether this arises in practice—I hope not—that is, bringing of a false charge for reward by somebody. What about that ?—It is very rare, sir.

367. *Sir Arthur Froom*: Of the three forms that we discussed briefly, was there any improvement for the last ten years, or do they stand still, or worse ?—I think on the whole there is an improvement.

368. There is just one more question that I would like to ask you. It arises out of a question put by one of my colleagues opposite. Do you prepare your budget ?—Yes.

369. And it is sent up to the Home Secretary ?—Yes; it goes to the Financial Secretary.

370. Do you find that for the service of the police in the Punjab you get all the money that you enter in your budget ?—Not all the money.

371. How does that happen ?—The Punjab Government and the police have to cut their coats according to their cloth.

372. It is worked departmentally and is votable. Is that not so ?—Yes; most of the police expenditure is votable.

373. *The Chairman*: I had understood that broadly speaking—if I am wrong in any way I am sure my friends on my right will correct me—that when the time came to put together the budget of the year, which in this country really means the way in which the money will be spent, though in Britain it does not mean the way how the money is spent, but where the money is raised—(*The Witness*: It is the same here)—what happens is in the first instance that the different departments, whether reserved departments or transferred, put forward their estimates or demands, whatever it may be. And I have understood that in Bombay when you first have these things brought together, no doubt the total will be more than the amount available. That is natural enough. Everybody asks for more than he is likely to get. First of all the preliminary adjustment is discussed between the departments, and ultimately, before any question of the demand being put to the legislative council arises, the Government as a whole will have to take stock and see how much each department is to get out of the total balance. After that it is that the vote arises. Is that correct ?—Yes.

374. *Sir Arthur Froom*: I am not very familiar with the practice in the Punjab. The police money comes under demands for grants ?—I really cannot say.

Mr. Emerson (*Chief Secretary*): I think the description that the Chairman has given is correct except that after the Government as a whole has dealt with it and decided what sum would be devoted to the various departments and before it goes to the vote of the council it will go before the Standing Finance Committee for consideration of any new expenditure that is proposed, and cuts may be advised by the Standing Finance Committee; and then Government may decide whether it would accept the advice of the Standing Finance Committee or still keep up to their original proposals in the budget and send it on to the council.

Sir Arthur Froom: It cannot come under different heads, nor under Home expenditure.

The Chairman: I intervened because you put the question, and a natural question enough. You said: " You do not get all the money. Why not ? " Is it not voted ? " As I had understood it, before the time comes to propose to the legislative council the sum which will be voted for police purposes, there has already been a preliminary discussion, with the result of course, I imagine, that although the Member in charge of the police department may very well have asked for a larger sum of money, he ultimately finds that in the course of the distribution of the available funds among the various departments he gets only a smaller sum than he had originally asked for, and the only thing the legislature is asked to vote is the smaller sum. We

had for instance in Bombay one observation made by the Inspector-General when he was cross-examined by one of the Bombay Committee as to why he reorganised the police force, cutting down the unarmed force and increasing the armed force; he replied that it was because his department could not get all the money it wanted and that he had protested that he could not manage until he had more money, and when he was asked to do it, he said the only way in which he could do it was to dismiss the people in the unarmed service and have a smaller number of men who are armed. That is my recollection.

375. *Sir Arthur Froom*: Yes. (*To the witness*): After the demands for grants for the police had been subjected to the scrutiny of the Finance Committee and further scrutinised by the Government, has it ever occurred that when any demand goes forward, that has been further reduced by the Council?

Mr. Emerson (*Chief Secretary*): I may answer that. I have just been looking to cuts which have been made at pages 69* and 70*, and I cannot find any reference to any cut by the council once the police budget has been presented there.

376. *Chaudhri Zafrullah Khan*: In 1927–28 a large increase was voted under police expenditure, but the criticism was that more was not given to the constables.

Mr. Emerson: I think I should like to say that as far as I can see there is no mention of a cut in anything I have gone through. I think I am correct in saying that the legislative council has not made a cut in the police demand for grants of a serious nature and during the last budget grants they certainly voted large sums for the improvement of the police, in regard to proposals that emanated from a commission or rather, I think, a committee that was appointed by the local Government to enquire into certain very important questions relating to the reorganisation of the police. I do not think the local Government have any ground of complaint against the legislative council that they have not treated the police generously in the way of provision.

Dr. Narang: Except once when the whole police budget was thrown out.

Mr. Emerson: Was that particularly aimed at the police?

Dr. Narang: Against the general administration, not the police demand.

Mr. Hartshorn: I notice on page 204* it is stated: "The annual budget for Police expenditure has "invariably been the subject of very close scrutiny "by the Council every year; and while its presenta-"tion has been taken as a recurring opportunity for "an attack as regards inefficiency and corruption in "the force, the actual cuts proposed each year, "except in 1923–24, when cuts were carried totalling "Rs. 45,000, though debated with a considerable "show of heat, were in the end either not pressed "or not carried." It appears that except in 1923–24 the proposed cuts were withdrawn.

Rai Sahib Chaudhri Chhotu Ram: There was a general 25 per cent. all-round economy.

The Chairman: I think it is right to conclude the sentence read by Mr. Hartshorn: "and the good "sense of the council, after putting on record an "emphatic gesture of dissatisfaction, has rallied to "support the Member in charge of the department "and to pass the demands."

Sir Arthur Froom: I wanted to know whether the police force did get full support in the Punjab. That was the real object of my putting the question.

377. *Rao Bahadur Rajah*: Arising out of your answer to the question put by Dr. Narang you said that members of the depressed classes are not recruited in the police service. Am I to understand that members of the depressed classes, I mean the untouchables, are eternally barred from entering the service?—I cannot prophesy. Their recruitment is impracticable.

378. Why?—Because of the customs and habits of the people of ordinary castes.

379. Am I to understand that there is opposition from the higher castes towards the recruitment of depressed classes into the police service?—Certainly. If we recruited these men into the service, we would find that we could not get the higher castes to come in.

Rao Bahadur Rajah: In the Government report I see there is no untouchability in the Punjab. It is stated:—"the problem of untouchability so far as "it exists in the Punjab is really based on occupa-"tion. The sweeper who gives up his occupation, "the leather worker who abandons the use of un-"dressed hide and works in tanned leather, or "abandons the use of leather altogether and seeks "another occupation, thereby quite definitely raises "himself in the social scale" (page 9, para. 22 of the memorandum).*

380. *The Chairman*: We must not get into a general discussion. Let us hear the Inspector-General first of all. What do you say about it?—I say, sir, that it is not practicable to enlist low caste men into the police force in the present circumstances. Whether it will be possible in the future I am unable to say.

381. Are you basing yourself on mere opinion or basing yourself on experiment?—We have had some experiments made. Just towards the end of the war we enlisted about thirty or forty of what are known as Mazhabi Sikhs of the low castes. They belonged to the depressed classes. We could not get men at Lahore to work with them and we finally sent them up to Simla, all by themselves, to be the guards at Government House. There they mutinied. They beat the washermen, gardeners and other people. I happened to be in Simla at that time and I sent them away at once. That was my personal experiment in recruiting low caste peoples.

382. *Raja Narendra Nath*: Are not depressed classes rather better treated by the Arya Samaj?—They may be by degrees.

383. So far as touchability is concerned?—The Punjab does not make a fetish of untouchability. I may say that our constables, whether Hindus or Muhammadans, sleep in the same barrack.

384. *Rao Bahadur Rajah*: You know *chamars* of this province. They form the major population of depressed classes. Have you tried amongst them?—No.

385. *Sardar Shivdev Singh Uberoi*: As you know there are units in the Army composed of Sikhs, Jats, Mazhabis, etc. Are you aware that the battalions composed entirely of Mazhabis have proved very useful in the Army?—Excellent.

386. Is there any reason to suppose that they will not do well in the constabulary force?—They are more than ordinarily criminal.

387. When they proved so useful in the Army is there any reason that they should not prove as useful in the constabulary force?—Constabulary forces are not altogether the same as the Army. We have statistics showing that the Mazhabis are more than ordinarily criminal.

388. Are they entered as criminal tribes?—No.

389. What reason is there to call them criminals then? What is the basis of calling them as such?—They are relatively criminal. We have statistics to show that.

Sardar Shivdev Singh Uberoi: I should be much obliged to have the statistics, because it is a very important class of the Sikhs. It is quite information to me that the Mazhabis are criminals although they have not been entered as criminal tribes.

390. *The Chairman*: The Inspector-General will furnish the information. I noticed that Mr. Stead was saying that he does not recruit depressed classes for the police because the other policemen would not work with them. The Inspector-General of

Police of Bombay gave another ground. He said, " the difficulty was because, for example, if a police- " man belonging to the untouchable class went to " search the house of a Brahmin, the Brahmin would " object to the policeman's coming into his house." You have not given any reason of that sort ?—We should have considerable complaint. We have high caste *Dogras*. We should have considerable difficulty in escorting a Dogra by a sweeper constable.

391. *Lord Burnham* : May I ask a question on a matter of fact ? At the present moment are all the Deputy Inspectors General of Police in the police ranges Europeans ?—They are all Europeans.

LAHORE.

Dated, 2nd November, 1928.

Morning.

PRESENT :

ALL THE MEMBERS OF THE COMMISSION (EXCEPT COLONEL LANE-FOX), OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND AND SIR ZULFIQAR ALI KHAN), AND OF THE PUNJAB PROVINCIAL COMMITTEE.

Mr. MILES IRVING, C.I.E., O.B.E., I.C.S., Additional Secretary to the Government of the Punjab, Reforms, and Khan Bahadur Nawab MUZAFFAR KHAN, Joint Secretary to the Government of the Punjab, Transferred Departments.

1. *The Chairman* : Mr. Miles Irving * * * did you become Financial Secretary to the Punjab Government in 1922 ?—Yes.

* * * * * * * * * * * * You have been detailed, I think, for special duty in connection with preparing a great deal of the material for the information of the Commission ?—That is so.

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Might we * * * turn to page 57,* where you set out the composition of the Punjab legislative council.

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140. With regard to para. 11, which the Chairman read out to you, can you tell us whether this idea that the interests of tenants will be represented by many small landowners has been achieved ?—The relations of the landlord and tenant differ very much in the various parts of the province. If you take a man in a canal colony and give him twenty-five acres of land, he is quite a poor peasant, but he will cultivate twelve and a half acres himself and will not employ labourers to cultivate the other twelve and a half ; he will let it out on rent. Therefore you get a type of tenant who is socially indistinguishable from a landlord. At the other end of the scale you get the type with which we are all familiar ; where the tenant occupies practically a feudal position *vis-à-vis* his landlord. Between the two there is an almost infinite gradation. It is true to say the main body of tenants are socially very much the same as the main body of peasant farmers. They come, generally speaking, from the same tribes. They occupy a certain inferior position because they do not own land, but socially (speaking as an outside observer) they seem at any rate very nearly indistinguishable. What is more important for this purpose is that the result of the process of fragmentation in this province has been to bring about the position that very many landlords who do not possess enough land for their own subsistence are also tenants. That is true to a very large extent, particularly in the central Punjab.

141. Do you agree that in the last two councils the peasant proprietors and small tenants have been swamped by the big landowners in all the rural constituencies, and have not secured the return of their people ?—As far as my recollection goes, there are actually no small peasants in the council, but whether the members represent them or not I should not like to say.

142. The small people have not been able to get into the council themselves ?—I can think of no member of the council whom I should describe as a peasant proprietor.

143. *Raja Narendra Nath* : The depressed classes and the agricultural labourers in rural areas have no vote, generally speaking, because they do not own property ?—No. That is almost universally the case. Ordinarily the menial classes do not own land, and therefore they have no land revenue qualification.

144. Talking of the city proper of Lahore and of Amritsar, land is not assessed there to land revenue ?—No.

145. On page 57*, at the end of paragraph 2, you say " the distribution of the elected seats as between " rural and urban interests is 55 to 16 " ?—Yes.

146. In paragraph 4 it is stated : " Of the elected members, about 50 out of the 71 belonged " to tribes notified as agricultural " ?—I have guarded myself by saying " about " ; it is very difficult to make an accurate statement to that effect. I would ask the Conference to take that with every qualification that the word " about " may imply, because accurately to say whether or not a gentleman is a member of an agricultural tribe is impossible, because there are different lists of tribes in each district.

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153. *Chaudhri Zafrullah Khan* : Has the commerce seat in the three councils which have been elected under the reformed constitution always been held by a European ?—Yes.

154. And has the industry seat always been held by a Hindu ?—Yes, I think so.

155. And has the university seat always been held by a Hindu ?—Yes.

156. In all three councils ?—Yes.

* * * * * * * * * *

164. My point is that if tenants in rural areas are enfranchised, there is likely to be a much larger number of the inferior classes on the electoral roll than at present ?—I am not prepared to say that. I do not think in the Punjab as a whole a very large proportion of the land held in tenancy is held by people of a distinctly inferior status. It is very hard to say. We have got practically no information, but my impression is that most of the tenants are people of very much the same class and tribes as the peasant proprietors.

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* Vol. X.

171. Do you not think that it may be taken for granted that under the present constitution an overwhelming majority of members consists of notified agricultural tribes ?—Yes, probably about 50.

172. 50 out of 71 elected members ?—Yes.

173. With respect to the working of the party system in the council, is it not a fact that these zamindars are for all practical purposes Muslims ?—The rural party contained a section of Hindu zamindars in greater or less numbers.

174. You say on page 59*: "But on the other "hand on many subjects 'rural' has come to be "broadly interpreted as connoting Muslim and "'urban' as connoting Hindu interests" ?—Yes, I think the head of the rural party himself would admit that most of his followers were Muhammadans.

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180. *Dr. Narang*: You know that in the villages very few people have got lands which are worth anything like Rs. 4,000 ?—Yes, that is so.

181. And you also know that in the villages there are a large number of people who would like to be voters but are prevented by legislation from qualifying themselves as voters ? I refer you to two particular things. Under the Land Alienation Act no person who is not a member of a notified agricultural tribe can acquire land in order to quality himself as a voter and thereby he is deprived of suffrage altogether; is not that correct ?—He cannot qualify himself for the land revenue suffrage.

The Chairman: I do not know whether people in this country really buy land for the purpose of voting.

182. *Dr. Narang*: This avenue is closed, is it not ?—It is true to say that a person who is not a member of an agricultural tribe cannot qualify for voting by means of purchasing land.

183. *Chaudhri Zafrullah Khan*: Except when he buys from a member of a non-agricultural tribe ?—Yes.

184. *Dr. Narang*: There is also another bar in the way of exercising the franchise. You know there are numerous people who cannot even be house-owners in the villages ?—Yes.

The Chairman: I would just like to follow that.

Dr. Narang: Under the relics of some ancient feudal system the village landlord has certain privileges. He is supposed to be the owner of the whole land in the village whether it is under a building or under cultivation and a person who is not a landholder or proprietor in the village has no right to the site. He lives in the village on sufferance. He may be allowed to build a small house, but if that house falls down he may be prevented by the landlord from building another and he is not allowed to sell the site.

185. *The Chairman*: When you say that they cannot own land do you mean that they have not got the money to buy it ?

Dr. Narang: Even if they have got the money the landlord may not be prepared to sell the land to him and even under the *abadi* he has no means to acquire land.

186. *The Chairman*: Though that may be a very important social factor, it appears to me that the owner of land cannot be compelled to sell it to somebody merely because he has the money to buy ?

Dr. Narang: I did not mean that. My submission is that under this land tenure a section of the population is always treated as having no right as such to acquire land.

187. *The Chairman*: You mean that the social and economic conditions in the ordinary Punjab village are often such that if the power of voting so far as it is associated with the ownership of land is left as it is now, there are considerable classes of persons who are living in the village who could not acquire that qualification ?

Dr. Narang: Yes.

188. With reference to urban areas, is it a fact that certain towns which are treated as notified areas and have got local self-governing bodies and also small towns which come under the Small Towns Act which have also got the system of local self-government are not treated as a part of the urban area but are included in the rural areas ?—If the population is below 10,000.

189. *The Chairman*: I think I have brought out that point. I asked the question whether for this purpose, the constituencies were not divided into urban and rural by treating as towns areas with a population of 10,000 and over. It follows that the smaller towns come under rural areas.

Dr. Narang: It is not a question merely of population. There is local self-government of four kinds in this province. One is under the district boards, i.e. the body which governs the whole district in certain matters; the second is that which prevails in towns with a population of over 10,000; then there is another class the towns of which are notified, known as notified areas; then comes the class which is notified as small towns. They are recognised units of towns, but for the purpose of election they are treated as rural areas.

The Witness: May I draw your attention to page 15 of the memorandum: "Although this "line of division excluded some towns with a popu-"lation of less than 10,000 which nevertheless "possessed distinctly urban characteristics, it was "finally adopted as being the most convenient and "practical."

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201. *Rai Sahib Chaudhri Chhotu Ram*: Among rural Hindu constituencies you will find that two occupy very large areas. No. 20 (Multan) occupies a whole division ?—Yes.

202. And No. 19 (Rawalpindi division and Lahore division north) covers more than one division ?—Yes.

203. *The Chairman*: It is very important. For example, how many districts are there in the Multan division ?—Five or six.

The Chairman: You say that all these districts are grouped together and they form a boundary, so to say, of the constituency and your suggestion is that it is very big. I follow that.

204. *Rai Sahib Chaudhri Chhotu Ram*: Among Sikhs, 11 are rural members ?—Yes.

205. In all matters relating to economic interests or agricultural interests they vote with Hindu and Muhammadan rural men in the council generally ?—I am afraid I have not been able to detect it; probably they do.

The Chairman: As a matter of fact there is a statement of this sort relating to the second council at the bottom of page 59*: "On most communal "subjects the Sikhs ranged themselves on the side "of the Hindus, as is natural, though their interests "were not always identical, as, for example, in the "matter of gurdwara reform."

Dr. Narang: You may also kindly read about twelve lines from the top of that very page: "most "of the rural members and a few Sikhs usually "voted with the Muhammadan rural members . . ."

The Chairman: Thanks. That again refers to the second council.

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217. *Sardar Ujjal Singh*: The voting strength of the Sikh community is mostly due to their economic position, because payment of land revenue is a qualification ? And also to the large number of retired soldiers and pensioners ?—After you have taken the number of landowners paying Rs. 25 in the rural constituencies—you find that they are 350,000—that leaves 271,000 voters to be accounted for, who I think must be very largely retired soldiers. The Sikhs represent .27 per cent. of the voters in rural constituencies and they represent 30 per cent. of the landowners paying Rs. 25. The deduction, so far as I can see, is that they gain to a certain extent at the expense of other communities, possibly through the military vote.

218. That is what I mean to say. There is a larger number of retired soldiers in the Sikh community and the Sikhs pay a larger amount of land revenue. Is it also correct to say that the Sikh urban constituencies comprise all the towns in the province ?—Yes.

219. On page 59* the Government say that " On " most communal subjects the Sikhs ranged them- " selves on the side of the Hindus, as is natural," etc. Would you just quote some instances of specific communal questions brought in the council ?—I cannot give you off-hand. Which council do you refer to ? The second ?

220. Generally.—I do not think I can go off-hand into the history.

221. But would you agree with me that Sikhs, like the Muhammadans, are a rural and agricultural community and generally their economic interests coincide with those of the Muhammadans rather than with those of the Hindus ?—Yes, the Sikhs are even more an agricultural community. The Muhammadans have got very large industrial interests, which are almost entirely lacking in the Sikhs.

222. *Mr. Owen Roberts* : One point I wish to clear up is about this remark on page 57. There the discussion is about the last three seats. These last three seats have in practice been held by two Hindus and one European ?—Yes.

223. You know that the commerce constituency consists of the Punjab Chamber of Commerce and the Punjab Trades Association ?—Yes.

224. The Punjab Trades Association is entirely a European body ?—Is it by constitution ? I take it from you.

225. The Punjab Chamber of Commerce is a mixed body ?—Yes.

226. Are you aware that a cable was actually sent to the Secretary of State when the Government of India Act was being drawn up recommending that separate representation should be given to the Punjab Chamber of Commerce ?—I do not remember.

227. My point is that if that had taken place—I will not say it is impossible—but it is improbable that the seat would have been held by a European ?—I have no knowledge.

228. Government went to the extent of cabling the Secretary of State on the subject. * * *

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231. *Captain Sikandar Hayat Khan* : With regard to paragraph 7 on page 12* (volume I, Punjab Government memorandum), I gather from this that even if the franchise was lowered there would practically be no difference whatsoever between the number of voters for the legislative council ?

The Chairman : It is a question of proportion, is it not ?

232. *Captain Sikandar Hayat Khan* : They have reduced it to Rs. 15 land revenue in the case of the district boards, but still I find the number is practically the same as it was before.

The Witness : I can give you better figures than that if you want them, because I have got the number of landowners of each category.

233. *The Chairman* : Your point, Captain Hayat Khan, is that as you read paragraph 7 on page 13 you note that the number of electors in the district boards is 543,000 and the number of male voters for the rural general constituencies for the legislative council is 552,000, which is practically the same. Then you observe that the qualification to be an elector for the district board is lower than the qualification for the legislative council. So you suggest that the inference seems to be that if you lower the franchise for the council to the level of that for the district boards there would not be more voters. (To witness). How is that ?—I think not, because a very large proportion of our present rural voters must have the military qualification. Since this memorandum was written I have got figures which show that landowners and Crown tenants paying Rs. 25 and upwards are 350,000 out of 571,000 rural voters.

234. *The Chairman* : This is rather an important point. I am glad you asked this question, Captain Hayat Khan. Have you (to the witness) got any paper with this on ?—Yes. (The paper was handed over to the Chairman).

235. *The Chairman* : This is a " comparative state- " ment of voters in rural constituencies and land- " owners," What is the meaning of " and land- " owners " ?—It is a comparative statement of rural voters as compared with landowners.

236. You mean, because you know how many landowners there are ?—I have just found it out.

237. As you know how many landowners there are, you want to see how many voters there are ?—I compare them with voters.

238. In rural constituencies you put down Muhammadans as numbering 256. What does that mean ? —Thousands.

239. It means 256,000 ?—Yes.

240. And you give the percentage as 46. Percentage of what ?—Percentage of the total number of voters.

241. Sikhs—158,000, making 27 per cent. and others—157,000, making 27 per cent. (exactly the same). Apparently there are 256,000 Muhammadan voters in rural constituencies and there are 672,000 landowners and Crown tenants who are Muhammadans ?—That is the total. Yes, paying Rs. 5 and upwards.

242. As regards the Sikhs, there are 158,000 Sikh voters in rural constituencies and there are 354,000 Sikh landowners and Crown tenants paying Rs. 5. As regards " Others " we are shown 157,000 such voters in rural constituencies, and there are 372,000 landowners and Crown tenants paying Rs. 5. Is that the point ?—Yes.

243. *Sir Hari Singh Gour* : What will be the capital value of the occupancy holdings paying a rent of Rs. 25 ? Can you give me an idea ?—If you take it as land I think we may take 200 times the land revenue. The occupancy holding depends very much on the nature of the rent reserved. In very many occupancy tenancies the rent is merely the land revenue. It is practically a feu and therefore you may say 200 times the land revenue. Then you come down to occupancy tenants paying rack rent. That will be very much less.

244. Supposing a person living in an urban area with an income of Rs. 1,000 is enfranchised, what additional increase would it make to the voting strength of the urban population ?—It does not make any, because it will be entirely marked by the Rs. 96 tenancy. I cannot imagine that a person with an income of a thousand rupees is not paying Rs. 8 monthly as house rent. But the actual number of extra income-tax payers to be added I could not say off-hand. At present the income-tax qualification is not effective.

245. Supposing we were to enfranchise and include in urban constituencies towns up to 5,000 population, instead of 10,000 which we have got, would that make any appreciable difference in the urban voting ?—Considerable. I could not from memory tell you how many off-hand, but there are a large number of towns with urban characteristics with a population of 5,000 and upwards.

246. *Rao Bahadur Rajah* : As regards the depressed classes I see your Punjab Government seems to be a little confused. I will confine myself to the untouchable classes which I find at the bottom of page 7*. Am I right when I say that the total strength of the untouchable classes is 2,268,000 out of a Hindu population of 8,773,000 ?—That was what was calculated in the census of 1911.

247. And so it must be more in 1921 ?—Not necessarily, because social customs are changing.

248. When social customs change, do they become

* Vol. X.

touchables ?—You see here how it has been defined for the census purposes: " untouchability was " merely held to mean that food touched by them " could not be eaten by high caste Hindus."

249. *Rao Bahadur Rajah*: The definition, sir, that we arrived at in Bombay is " access to Hindu tem- " ples." Is that so, sir ?

The Chairman: I think you are quite right. We tried to arrive at a figure for Bombay and we were greatly helped by you and by Dr. Ambedkar, and we wanted to find out what was the total in Bombay if you make this test, viz. people who for some purpose were regarded within the Hindu community but who had not access to the interior of a Hindu temple. We then came to the conclusion that there were about 2½ millions of that class in the Bombay Presidency.

Rao Bahadur Rajah: That is the same test applied in the Punjab at the top of page 8*.

The Chairman: It is stated here that " minor " temples were not closed to them; and in other " respects there was a great variation in the degree of " liberty given in social intercourse." That is frankly my own impression, Mr. Rajah. We must spend a little time in trying to understand what is meant by this expression, " untouchable " in the Punjab. On the other hand it seems to me pretty clear that the full extent of the hardship which is suffered undoubtedly by untouchables in some parts of India is perhaps not well illustrated in the Punjab. Is that not fair ?

Rao Bahadur Rajah: My point is this. I want to bring home to the minds of the British Commission that although we form 2,268,000 of the total Hindu population here, we are unrepresented in the local council.

The Chairman: I entirely appreciate your point.

250. *Dr. Narang*: May I put one question to the witness with the permission of the Chairman ? Is it a fact, Mr. Miles Irving, that a resolution was brought in the Punjab legislative council by a Hindu member to the effect that wells and public schools and such other public institutions should all be thrown open to the members of the depressed classes and that it was defeated by members of the Government and the Muslim votes ?—I have got only a dim recollection of it.

The Chairman: If I may say so, I do not think that answer establishes the fact. It is a suggestion made in a leading form in a question. It might or might not be a fact, but I do not think that we can investigate that subject now.

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Afternoon.

(SIR ZULFIQAR ALI KHAN WAS PRESENT AT THE AFTERNOON SESSION.)

Mr. MILES IRVING, C.I.E., O.B.E., I.C.S., Additional Secretary to the Government of the Punjab, Reforms

The Chairman: I might perhaps just say that the resolution on the subject of untouchable classes and the use of public wells which was referred to this morning by one of our colleagues is a resolution moved in March, 1925, in the legislative council by Mr. Mohanlal Bhatnagar, a Hindu member.

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1. *Raja Narendra Nath*: * * * Mr. Irving, you say that tenants generally belong to agricultural classes ?—Yes.

2. They are generally illiterate ?—Yes.

3. The tenants at will are generally under the thumb and control of the landlords ?—I should not say that. In the present shortage of tenants the tenant is rather the master of the economic situation in some parts.

4. Generally speaking, what is the position in the province as a whole ?—It is a very difficult statement to make. It differs certainly in the colonies where the tenant can do what he likes. There is competition for tenants.

5. The enfranchisement of tenants will lead to their representation by landlords ?—Probably yes. It is very likely to lead to that result.

6. Therefore that statement on page 20* that " this " differentiation would to some degree be relaxed if " tenants of agricultural land were enfranchised," has to be taken with a pinch of salt, a very big pinch ?—The differentiation arising from birth would to a certain extent be relaxed. It will be relaxed to the extent to which the tenants are not members of the agricultural tribes.

7. Not materially. It will not make much material difference, is that right ?—If the tenants are largely members of agricultural tribes, you are right. But it is a point on which we have got very imperfect information and it is quite possible that the tenant body in a certain district although notified as agricultural tribes in other districts is not notified as such in that district.

8. *The Chairman*: Tell me, does the Land Alienation Act prevent anybody from being a tenant ?—No.

9. That is the point. I do not know how far it works in practice, but I understand the point of this paragraph is that if there was a vote more widely spread many of the tenants and occupiers may exercise it. The tenants and occupiers as far as the law is concerned, might belong to a non-agricultural tribe ?—Yes.

Raja Narenda Nath: But they do not as a rule belong.

10. *The Chairman*: The proposition is a perfectly simple one. It is that the Land Alienation Act does not intend to put restrictions upon the class of tenants and therefore if certain persons were tenants and the vote was extended to tenants that would *pro tanto* relax the severity of the present position. It still remains, I dare say, as I gather you imply, that that would not be a very extensive practical relief; that is your point, Raja Sahib ?

Raja Narendra Nath: Yes.

11. *Sir Hari Singh Gour*: What percentage of the urban and what percentage of the rural voters in the Punjab are literate ?—I am speaking from memory. I should say 28 per cent. is roughly true for urban and 9 per cent. for rural, but I should like to verify that.*

12. *Sir Zulfiqar Ali Khan*: In the statement you submitted to the Chairman you gave the figures of the voting strength of the different communities in the Punjab, Mussalmans, 256,000, Sikhs, 356,000, and others, 157,000. Now I should like to know the disparity between the Muslim voters and the non-Muslim voters ?—That can be calculated. 256,000 against 315,000; that is, it comes to 59,000.

13. This is the difference between the Muslim and non-Muslim voters ?—Yes.

14. You are aware, Mr. Miles Irving, that in the Punjab, according to Mr. Darling's estimate the Muslim agricultural classes are indebted to the tune

* Vol. X.

* NOTE.—The witness subsequently gave the percentage for literacy among adult males as 9·4 for the whole province, and 16·5 for a few selected towns.

of something like sixty crores ?—I have forgotten the figure that he has mentioned in his book.

15. Do you think that this indebtedness of the Muslim agricultural classes constitutes a handicap with regard to the free use of their voting power ?—I think Nawab Muzaffar Khan will be in a better position to answer that. I have no personal experience of elections. I think you have in your mind that the creditor uses undue influence on the debtor and makes him vote in a particular way. I have really no experience on the matter, and I think you will find in the part dealing with corrupt practices in the memorandum that that particular point has never been made a ground for unseating a member on petition.

The Chairman : As a practical matter, one cannot help saying that in a greater or less degree something of this sort might happen. I do not suppose that a Government witness can tell us what the degree is. I understand that Sir Zulfiqar's suggestion put through the question is that if there is this large financial hold of the mortgagee over the mortgagor, cases may arise where this will have an undue influence upon the debtor's voting. I think that is a suggestion we all have to bear in mind.

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20. You are aware that there is a large number of non-Muslim graduates of the Punjab University ?—I am aware of that.

21. Do you think that under those circumstances a Muslim, if he dared to stand as a candidate, would have even a ghost of a chance ?—As things are at present, I suppose Hindus are more likely to be elected.

22. Do you think that any Muslim has a chance of success in the Punjab Chamber of Commerce constituency ?—There again I do not know what are the political movements within that Chamber. All I can say is that so far no Muslim has been elected.

23. Do you know the strength of that Chamber ?—I have not got the figure separately for the chamber ; but the Chamber of Commerce and trades together have got 96 voters.

24. You cannot say how many of these are Muhammadans ?

Captain Sikandar Hayat Khan : It is in the statement, Sir Zulfiqar. In the university constituency there are 2,231 non-Muhammadans, 614 Muhammadans and 666 Sikhs ; and in the Chamber of Commerce there are 87 non-Muhammadans, 1 Muhammadan and 6 Sikhs.

25. *Sir Zulfiqar Ali Khan* : So practically, the Muhammadans and Sikhs have no chance ?—Not so long as voting runs on communal lines.

26. Could you say from memory whether any Muslim member in the legislative council has moved any vote of censure against a non-Muslim minister ?—I am afraid I could not say.

27. He has not ?—I could not say from memory whether any vote of censure has been brought by a Muhammadan member against a non-Muslim minister.

28. *The Chairman* : I gather, Sir Zulfiqar, that your impression is that there has not been such a case.

Sir Zulfiqar Ali Khan : Yes.

The Chairman : We will take it to be so unless somebody corrects it.

29. *Sir Zulfiqar Ali Khan* : Do you know that one of the non-Muslim ministers—I will not name him—depends entirely on the Muhammadan support ?—I am not prepared to say so. You must remember that there are many combinations of parties which result in a division list.

30. Would you please tell me if the system of separate electorate has operated adversely in the formation of joint parties in the legislative council here ?—I do not think it is very easy to form a definite opinion. There has been a certain movement towards the formation of a joint party which is described as the Punjab National Unionist Party (see page 61*) representing many organised rural interests. That party, at the time of writing this report, was led by a non-Muslim member. But whether that party would have been stronger if there had been no communal electorates I cannot say.

31. Under these circumstances do you think that when there has been no vote of censure moved by a Muhammadan member against a non-Muhammadan minister and also when the system of separate representation has not operated adversely against the formation of joint parties in the council, there is any justification for fear that the Muhammadan majority or the Muhammadan government in the province would injure the interests of non-Muhammadan ministers ?—Of course, I do not entirely accept the first two clauses of the question, and I am inclined to think that the third does not arise. I would not like to prophesy what would be the action taken by a Muhammadan majority in case it existed. Your point is that there is no fear that the majority would tyrannise over the minority.

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Mr. J. G. BEAZLEY, C.I.E., I.C.S.

37. *The Chairman* : You are Mr. John Godfrey Beazley ? * * * Are you the Secretary in charge of the transferred departments ?—Not all of them. I am in charge of local self-government, medical, public health and registration.

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41. *Mr. Cadogan* : * * * The first question which I want to put to Mr. Beazley is in regard to district boards. I understand from page 142* (of Volume I of the Punjab Government memorandum) that there is no communal representation on district boards although there is some system of adjustment so as to secure fairly equitable representation for the various communities ?—That is a fact.

42. By devising electoral circles ? I am not quite sure what that means.—An electoral circle usually consists of one or more *zails*, possibly two or more.

43. A *zail* is a subdivision of a tahsil ?—A *zail* is a collection of twenty or thirty villages under a sort of non-official official, a rural notable. The electoral circles usually consist of anything from one to four *zails*, and the grouping of *zails* does give some scope for taking into consideration the representation of communities. For instance, if there were one predominantly Muhammadan *zail* and one predominantly Sikh *zail* with a fairly large population in both, we would not group them together so that the Sikh *zail* having a slightly larger population would swamp the Mussalmans. We attempt to combine a Moslem *zail* with an adjacent *zail* in which the community is more or less equal, and a Sikh *zail* with another *zail* in similar circumstances so as to get out of the four *zails* two circles, one giving a Mussalman member and one a Sikh member.

44. That obviates any demand for communal representation ? Is it a satisfactory system from that point of view ?—There has been a slight demand, not pushed to any great extent, for communal representation in district boards.

45. The second feature which strikes one about the district boards is that the deputy commissioner is chairman of every district board except two, I think ?—Yes.

* Vol. X.

46. I understand formerly of course the deputy commissioner was the ex-officio chairman ?—Yes.

47. But since 1925 (I find on page 151*) " if any " board of which three-quarters of the members were " elected at a meeting specially called for the purpose " and presided over by a non-official, resolved by a " majority of sixty per cent. of the non-official mem- " bers present to request Government to be allowed " to elect a non-official chairman," the deputy commissioner would stand out ? That is the present situation, is it not ?—The position so far as the law is concerned remains unaltered. But Government in 1925 made an offer that if there is sufficient demand under these conditions for a non-official chairman Government will remove the deputy commissioner from chairmanship altogether and direct that in future the chairman should be elected.

48. *Mr. Cadogan* : I think that was the substance of what I said. In spite of that fact I understand from the Government memorandum that there are only two district boards of that sort ?—Yes.

49. Might I ask you which they are ?—Gujranwala and Gujrat.

50. On page 151* (Volume I of the Punjab Government memorandum) it is stated that " only two " district boards have however availed themselves of " this offer up to the present, and deputy commis- " sioners have recently been instructed again to " elicit the opinion of boards on this question." With what result ?—With the result that every board has said that it does not want a non-official chairman.

51. *The Chairman* : They want to keep the present system ?—Yes.

52. *Mr. Cadogan* : So much for the district boards. Now, on the question of municipalities. I think it is on page 150*. In about 40 municipalities I think the president is an official. Is that not so ?—Yes, the position when the memorandum was drafted was that there were 41 municipal committees over which officials were presidents, either elected or appointed official presidents. Three are definitely appointed by Government.

53. Does that mean that the deputy commissioner is elected by the choice of the members of the municipal committee to be their Chairman ?—Yes, sir. As a matter of fact the number of deputy commissioners who remained as presidents was very small—I think in seven districts, and it has now been reduced to three.

54. I suppose in municipalities you have a wider choice of competent non-official chairmen than in district boards. Is that the case or not ?—Yes, because the number of members of district boards living at headquarters is small and they must choose a man who lives at headquarters. Practically the choice is very limited indeed.

55. The choice is limited in the districts ?—Yes, in the district boards.

56. That accounts for the difference ?—I think it probably is that the less sophisticated rural population prefers an official chairman and that the more sophisticated urban population prefers to try to run their own affairs.

57. There is one question I should like to put to you, rather a general question. This is rather a stern indictment of the condition of the finances. You will find the reference at the top of page 157* : " For " even with the control now exercised the finances of " a large number of local bodies are in a deplorable " condition " and so on. Is there any indication of there being any improvement, or could it be improved ?—It can only be improved by local bodies agreeing to put on increased taxation which they show no sign of any readiness to do at present.

58. It is really taking us up to the question of the extent of the control which Government exercise. Can you state in broad general terms how such control has been exercised and with what effect ?—In what respects ?

59. In regard to the control over taxation, control over accounts, control over adults, etc. ?—Control over taxation is only exercised with the object of preventing unfair or extravagant taxation.

60. *The Chairman* : Will you please just explain ? * * * I think what we would like to know from you in your own words is whether under the present system of local self-government in the Punjab there is an effective system by which the central authority in case of need exercises control and prevents irregularities in the local administration, in municipalities and district boards. I would like to hear from you in three or four sentences as to how that stands. First of all, what is the system, secondly do you regard it as an effective machinery ? —The system is effective where it is worked by a deputy commissioner who really takes an interest in local self-government matters. If he keeps a close eye on the proceedings of the committees and by fairly constant inspections keeps himself acquainted with what is going on, then the control is effective and valuable. It takes the form more of his giving advice to the committee concerned than of his exercising statutory powers to compel the committee to take any particular action. But if the deputy commissioner has no particular interest in local self-government, then the provincial Government really is entirely in the dark as to what is going on and has no opportunity of enforcing control.

61. I imagine that in a province like this when the chairman of the district board is the deputy commissioner, there exists official machinery from the deputy commissioner to the commissioner and from the commissioner to the headquarters and back again which does create as it were a channel of control ?—In respect of the district boards there is very little necessity for control from without owing to the deputy commissioner himself being the chairman, and even in the two districts where he is not the chairman, he is in close touch with the non-official chairman, and it amounts to the same thing.

62. And is it your view that in the local Government where the deputy commissioner is not chairman there is a need for effective control and supervision from the centre ?—Certainly.

63. Do you consider that in the present circumstances that necessary control is in practice available and working ?—As I say, it is available where the officers are interested in the matter.

64. As you said, if the deputy commissioner is interested, the only circumstance in which he could interfere with, say, a municipality or some local body in which he is not the chairman, would be I imagine because he is the head of the administration in the district and takes, or ought to take, some sort of interest in the affairs going on in it ?—He has definite statutory powers under the Act. Every committee is bound to supply the deputy commissioner within three days with a copy of the proceedings of each meeting. If he is interested, he looks into these things with a view to exercising his power of vetoing any resolution which is likely to create a breach of the public peace, or cause hindrance or annoyance to any class of inhabitants.

65. Is that all ? Is it only in matters relating to a breach of the peace or causing hindrance or annoyance to the public in which he is interested ?—He is also bound to require that the proceedings of every committee should be in conformity with law and the rules and bye-laws made under it. So that he has power, and it is sometimes exercised, of interfering even in such matters of detail as the disposal of building applications.

66. *Lord Burnham* : I do not quite understand the meaning of the word " interested." It is a rule regulating the services that the deputy commissioner should take an interest in such work, and not an exception ?—I should say that officers differ very greatly in that matter. Some do not take any interest and some do take a very keen interest.

67. *Lord Strathcona* : I should like to put one question about village panchayats. It is dealt with

* Vol. X.

at pages 160–161.* Would you say that the system of village panchayats has been working successfully in this province, and also are they meeting with a certain amount of popular approval ?—We cannot say yet that it is working successfully, because they have hardly begun to work at all.

68. You say it is working in 525 villages. That seems to be a good number ?—The figure is now 418, comprising 623 revenue villages.

69. You say that they have been working successfully ?—There are signs ; where they get a good man they are doing really good work and are appreciated ; and since we appointed these special panchayat officers, the movement does seem to have got a definite stimulus.

Raja Narendra Nath : I will have to refer to one other document which has been received by me from the Commission and which I wish to bring to the notice of the witness. I want to know whether the principle laid down there was borne in mind when the changes were introduced.

The Chairman : Would you tell me what that document is ?

70. *Raja Narendra Nath* : The document is the one which deals with communal representation in legislatures and local bodies. I want the witness to read this passage. I have marked it N.B.† (The witness was given the book for reference.) When the number of Moslem seats was increased, was attention paid to this principle which is laid down for councils that separate electorates should not be allowed to Muhammadans where the majority of the voters are Muhammadans ?—To what occasion do you refer ?

71. When those changes were made which are described on page 141 ? † There are several municipal committees in which the number of Moslem seats has been increased in which the number of Moslem voters are also in the majority. This point probably was not considered ?—Not to my knowledge.

72. *The Chairman* : I gather that what you are referring to is the note published in August, 1923. Mr. Beazley, were you in the department in August, 1923 ?—No.

73. Had you anything at all to do with that note ? The note was one drawn up by the Government of the Punjab during the time of Sir Edward Maclagan. Had you anything to do with it ?—No.

Raja Narendra Nath : I will then put the question in another way.

The Chairman : Surely what you refer to in pages 133 and 141† is in consequence of a note published in August, 1923, by the Government of the Punjab in the time of Sir Edward Maclagan.

74. *Raja Narendra Nath* : Yes, I know, but the witness knows the effect of it and it is to that I am drawing his attention. There are municipalities in the province in which the number of Muhammadan voters is in the majority, in which the Muhammadan population is in the majority and in which the Muhammadan representatives in the municipal committees are also in the majority ?—Certainly, and probably in those places the communal system was introduced at the desire of the non-Moslem committees.

75. Could you mention those cases in which the Moslem majority exists ?—I cannot say off-hand and I cannot say at whose request communal electorates were introduced in places in 1923.

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Raja Narendra Nath : * * * The principle laid down is that separate electorates are not to be allowed in places where the majority of voters are Muhammadans. In the Punjab separate electorates had been in existence, and although there was a majority of Muhammadan voters in several municipalities, the number of Moslem representatives was increased. I am referring to that increase.

The Witness : I should like to say with reference to the Raja Sahib's question that if he will examine the Table on page 147* of the Punjab Government memorandum, he will see that since the Reforms communal representation has been introduced in twelve municipalities in only three of which is there a Moslem majority.

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77. *Dr. Narang* : What has been the effect of the changes brought about in the local self-government so far as the municipalities are concerned since the Reforms, since the portfolio of local self-government was entrusted to the minister, the first minister being Sir Fazl-i-Husain ?—Changes in what respects ?

78. Changes in the representation of various communities ?—The result is given at page 141 of the memorandum.*

79. There is no communal representation in the district boards ?—None.

80. Is it a fact that in the district boards the number of the Moslem members is very much larger than the non-Moslem members, taking the province as a whole ?—I could not say off-hand.

Dr. Narang : I want to know if the figures given in this document named " Constitution, etc., of local " bodies in the Punjab " published by the Punjab Government when totalled give the correct answer to my question.

81. *The Chairman* : Do you know whether it is a document that comes officially from any department ? —It has not been presented to the Commission officially. It was compiled in the Secretariat in the Local Self-Government department at the beginning of 1928.

81A. It is not a confidential document ?—No. (The mark " G.C.N." was given to the document.)

82. *Dr. Narang* : There is a table given at page 10 of this document (G.C.N.I) where the number of representatives of each community in the district boards is given. Unfortunately the totals are not given. I just want to know whether these figures are correct and the totals if added would supply an answer to my last question ?—The figures were correct at the time when the document was compiled, and the answer can certainly be obtained if you will add up the columns.

83. I should like to know if there has been a change in these figures. This table shows that in four district boards the Hindu community is not at all represented ; is that correct ?—If those are the figures in the Table, it is a fact.

84. Can you tell me the reasons why communal representation was not introduced in the district boards, while it was introduced in the municipalities ? —As I have explained in the memorandum, the extension of communal electorates in municipalities is really due to the introduction of the small ward system. In district board areas the conditions are quite different and the question of introducing communal electorates in them never arose at all.

85. Who raised the question of introducing communal electorates in municipalities ? Is this impression which has gained ground among the Hindus that communal electorates were introduced in the municipalities because that was calculated to benefit the Muhammadans correct, because as a matter of fact we find that eighteen municipalities have a preponderance of Muhammadans while only five municipalities have a majority of Hindus, that is as a result of the changes introduced by the first minister, Sir Fazl-i-Husain ?—The changes made by the first minister did not include the introduction of communal electorates.

86. Let us say after the introduction of the Reform scheme and the impression is that the principle of separate electorates was not introduced in district boards because there was an overwhelming majority

* Vol. X.
† Vol. IV.

* Vol. X.

of Muhammadans there already ?—The question of introducing communal electorates in the district boards was never raised by anybody.

87. Why did not the minister introduce it ? I want to know the reasons why he did not introduce it ?—I cannot possibly tell you.

88. I thought that you being in charge of the transferred departments might know the reasons. But I ask you whether the impression I have referred to is well founded or ill founded ?—The impression that the first Muslim minister introduced communal electorates in the municipalities for the purpose of increasing the representation of Muslims is entirely incorrect.

89. How do you know that, when you do not know the reasons why it was done ?—I said that I did not know the reasons why he did not take up the question of introducing communal electorates in the district boards. When a thing has not been taken up, there is nothing about it and one cannot say anything.

90. One is an act of commission and another an act of omission. An impression has been created in the minds of a certain section of the public that communal electorates are introduced in one department of local self-government because that would benefit a certain community and that principle has not been followed in another branch of local self-government because the introduction of that principle would not benefit that community. I ask you if you can say whether there is any substance in that impression ?—I have said it is entirely unfounded. As regards the introduction of communal representation in the municipalities, what happened after the Reforms was merely a continuance of what was already going on.

91. It was only accentuated ?—It was a mere continuance. The proposals came up from the local officers, and the only change was that the minister dealt with them instead of the secretary and the Lieutenant-Governor.

92. In any case, the result was that the number of seats to the Muhammadan community was increased and the number of seats already held by the Hindus was decreased ?—No. There was no decrease of membership anywhere.

93. I am talking of the proportion of seats of the two committees ?—If the proportion of Muslims is increased, it necessarily follows that the proportion of Hindus is decreased.

94. Were there any protests made by the Hindu community against this course ? — Very strong protests in the case of Lahore and Amritsar.

95. And the Lahore municipality was boycotted by the Hindus for several years ?—Yes.

96. Also the Ambala municipality ?—Not for such a long time.

97. There were similar protests in other districts ? —Yes.

98. Is it a fact that in your department complaints have been made that appointments of candidates and dismissals of existing incumbents were made over the heads of departments ?—I have heard of no such complaints.

99. Is it a fact or not ?—I cannot answer for all the departments. With regard to the departments I deal with I have seen no such complaints.

100. Medical department ?—No such complaints.

101. Is it not a fact that many of the assistant surgeons who had been in service for many years were discharged because room had to be made for Muslim assistant surgeons ?—No.

102. I would like you to consider this point well. —So far as I know, not so. If you are referring to the arrangement made after the war, when many permanent men had to come back from the army and consequently we had to get rid of temporary men, then I cannot say to what extent the communal representation was affected by their discharge from service.

103. *Dr. Narang* : That is a very cautious answer ? —I have never heard the suggestion made before that the Doctor has now made. I have had complaints from individuals that they were better men than men retained, but I myself have found no reason for holding that they were better men.

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Dr. Narang : I have been just informed that it has been corrected.

105. *Sardar Ujjal Singh* : Is it not a fact that the Sikhs are in a minority in all the towns in the province ?—Yes.

106. In how many municipalities are the Sikhs given separate representation ?—Very few, I think ; I cannot say off-hand how many.

107. The number is about seven. Is it not correct ? That is a reply that was given to my council question.—If that information was given in reply to a question in the council, then the information was correct.

108. In how many municipalities are the Musulmans given separate representation ?—I cannot answer this also off-hand.

Fifty-two was the answer given, sir, in reply to one of the questions in the council.

The Chairman : Thanks ; you can take that answer to be correct, subject, of course, to its being corrected hereafter.

109. *Sardar Ujjal Singh* : Is it also a fact that there are sixty-four municipalities in which the Sikhs are not at all represented either by nomination or by election ?—There is a considerable number, but what that exact number is I cannot say.

110. You said that there are only two district boards in which there are non-official chairmen. Can you tell us how they have discharged their responsibility as chairmen ?—In the reports received in the first two years of their incumbency, to the best of my recollection, it was reported that their work has been carried on perfectly smoothly and practically as before. But in the reports recently submitted on the working of the district boards, I have noticed that the administration of one of these two boards (I shall not name it publicly) has been very adversely commented upon.

111. Is it due to this cause or to some other cause ? —I do not know whether it is due to their having a non-official chairman or to some other cause.

112. You said that Government had authorised district boards to elect their non-official chairmen if they wanted. How many district boards were authorised ?—I never said that they were authorised to elect.

113. They were asked ?—Government made an offer that on certain conditions they would remove the deputy commissioner from membership and direct that for the future the chairman should be elected.

114. All district boards were asked ?—Every one except those in which the elected members did not constitute 60 per cent. of the total number of members.

115. With a large elected element in the district boards, the district boards have not shirked their responsibility in the matter of raising taxes to meet the demand of local boards ?—Every district board except one has raised the local rate to the maximum permissible by law, and nearly every district board has imposed taxation on the non-agricultural classes.

116. Government has pointed out in this memorandum that inefficiency in local bodies is due to the inefficiency of their staff. Is not the system of communal representation in the municipalities responsible for it ?—Due to inefficiency of the staff ?

117. Yes.—Not that I know of.

118. You do not know that inefficiency in the local bodies is due to the inefficiency of the staff, or you do not know whether it is due to communal representation ?—I know that inefficiency is largely due to inefficiency of the staff, but whether the inefficiency of the staff is due to the fact that in

some bodies there is communal representation, I do not know.

119. Thank you. Do you know whether in the district board elections the creditors have been exercising great influence or, say, any influence on the debtors, i.e. the agriculturists ?—No such matters have come to my notice.

120. May I just refer to a few lines in the Government of India memorandum,* where it has been pointed out that " there were municipalities which " were free from these unfortunate influences " (meaning thereby communal influences) " which " worked only for civic good, and in which the with- " drawal of official control only had the effect of " stimulating the interests of the non-officials." Will not interest be stimulated in the district boards also if official control is withdrawn ?—It is a matter of opinion on which I do not feel that I can express an opinion, but so far as the ministry of the local self-government in the Punjab is concerned, it is their anxious desire that every effort should be made to induce the district board to assume this responsibility.

121. *The Chairman*: May I just make a small correction, because we want to be sure. You, Sardar Saheb, very naturally put to the witness what you saw on page 153† of the descriptive book. You were doing it from memory, and you were saying that the Government of the Punjab said that the inefficiency of local bodies was due to inefficiency of their staff. I will just read the actual sentence lest it might be supposed that too definite an assertion is made. It reads thus : " There have been constant complaints " that the inefficiency of local bodies is due to the " inefficiency of their staffs." It is right to add, if I have followed Mr. Beazley correctly, that he is rather disposed to think that want of efficiency of local bodies is connected with inefficiency of the staff. That is your view, is it not ?—Yes. sir. I may also point out that in paragraph 49 on page 158† a definite admission is made by the Punjab Government.

122. *Rai Sahib Chaudhri Chhotu Ram*: Mr. Beazley, you said a few minutes ago that you made an offer to district boards to indicate their desire with regard to having or not having a non-official president, and that in the replies that you received you found that not a single board in the province, other than the two that you have already mentioned, has indicated any desire to have a non-official president. Do you know the circumstances under which the meetings were held at which this decision was arrived at not to do away with the official president ?—I do not know the circumstances in which they were held. I know the circumstances in which they were directed to be held, and that was that they should be attended only by the non-official members.

123. But you cannot say whether those meetings were not actually presided over by the deputy commissioner ?—I cannot say who actually presided ; but the orders were that the meeting should be attended only by non-official members.

124. *The Chairman*: That was an order, was it not ?—Yes.

125. It was communicated, I suppose, to the district boards ?—It was sent to the deputy commissioner to be passed on to the district board.

126. Unless the deputy commissioners has suppressed the order, which I am sure nobody would suggest, the members of the district board knew the desire of the Government ?—Yes.

127. Did you receive any complaint that in spite of the order the deputy commissioner nonetheless presided ?—No.

128. *Rai Sahib Chaudhri Chhotu Ram*: In the case of one of the district boards presided over by a non-official president, you said the working of that district board has been this year adversely commented upon ?—Yes.

129. Who has made this adverse comment ? Is it the deputy commissioner ?—No, not the deputy commissioner ; it is the commissioner.

130. Did the commissioner receive a report as to the working of that district board from the deputy commissioner ?—The report on the actual working of the district board is submitted by the chairman of the board. The deputy commissioner, of course, sees it.

131. Did the non-official chairman of the district board express any opinion of his own with regard to the working of the district board ?—I cannot tell you. The report came in about a month ago. I have read the commissioner's forwarding report on the whole division, and noticed this point. I have not read the individual district reports ; that would be done when the report comes up for review by Government.

132. I want to know definitely whether the chairman of the district board was ever consulted when this report was made ?—This is a report containing the opinion of the commissioner on the working of the district boards of his division.

133. Was that report of the commissioner based on his personal knowledge, or on any report that he might have received from the deputy commissioner ?—It was based partly on his personal knowledge, partly on the audit reports—very largely on his personal knowledge.

134. Are you sure that the deputy commissioner made no report about the working of the district boards ?—No. I am not. I have not read the district reports. I read the commissioner's forwarding review.

135. The deputy commissioner is regarded more or less as a local Providence in this province as well as in other provinces. Do you not think his special position secures for him greater immunity from criticism than the ordinary president of the local board secures ?—Certainly.

136. One of our friends here put to you a question as to the fairly large number of municipalities in which Sikhs were not represented at all. Now, there are many portions of this province where there is absolutely no Sikh population ?—Quite.

137. You have been in charge of the Local Self-Government department for a pretty long time. Can you tell me whether papers that are received from districts or sent to districts get held up in the commissioner's offices for pretty long intervals ?—I think there may be some cases which get delayed.

138. Have you ever felt that so far as local self-government matters were concerned, the link supplied by the commissioner may usefully be dispensed with in the interests of expedition and despatch of work ? —That is a subject which is not covered by the Punjab memorandum.

139. *The Chairman*: No. I may tell you, though, that it was referred to in the course of Mr. Emerson's evidence yesterday, and I think if you could answer the question which has been put to you it would be helpful to us. I should like to know what your own view is. I understand that the question is whether you have been disposed from your experience to take the view that the link of the commissioner so far as regards the administration of local self-government is concerned is an unnecessary link ?—I should say that there were many classes of cases in which he serves a very valuable purpose, though undoubtedly there are a great number of routine matters which might come direct from districts to the Local Self-Government department ; but that would be merely a matter of arrangement of office work, surely, to free routine matters from any unnecessary stage. There are undoubtedly large numbers of cases connected with local self-government in which the commissioner's opinion and advice in forwarding or commenting on proposals are valuable.

140. *Rai Sahib Chaudhri Chhotu Ram*: With regard to the finances of the district board, the bulk

* Vol. V., p. 1096–7. † Vol. X.

of district board finances is derived from the local rate, apart from the government grant ?—Over 50 per cent. of district board income consists of government grant.

141. Yes ; and the rest ?—I should think about 70 per cent. of the balance is derived from local rates, possibly more.

142. Is it or is it not the fact that the present resources of district boards are practically fully committed to the maintenance of existing services ?—Yes.

143. Do the non-landowning classes contribute anything towards the cost of district boards ?—They pay school fees, presumably, if they send their children to school ; and to the extent to which they are owners of land they pay local rates.

144. In the matter of imposing fresh taxes within their jurisdiction, the powers of district boards are strictly limited ?—They cannot impose any taxes without the consent of Government.

145. Do the taxes cover a very wide range ?—They are in the Scheduled Taxes Rules. There is a very considerable range.

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146. *Rai Sahib Chaudhri Chhotu Ram* : One of the taxes which was imposed by certain district boards in this province was declared illegal by Government ?—Yes, only on account of it having been imposed without the sanction of the Governor-General ; and I might explain, as the matter is referred to in paragraph 59 of the Punjab Government memorandum,* that the Government of India have now intimated that they are prepared to sanction proposals for this *haisiyat* tax with slight modifications in accordance with the letter which is reproduced in Appendix C.

147. May I draw your attention to the fact that at least one district board has shown its readiness to impose a tax for improving local breeds of cattle ?—Yes, but in order to carry through the proposals of this district board it would have been necessary to amend the District Boards Act.

148. *The Chairman* : Then they were not asking for the leave of Government, because that would be asking Government to give leave to do an illegal thing. They were really suggesting that the law should be amended ?—Yes, and a Bill was actually drafted for the purpose. The position is that no minister could be found to introduce the necessary legislation.

149. *Rai Sahib Chaudhri Chhotu Ram* : Since the introduction of the Reforms you have insisted on getting a better type of man for your nominated members, and you have issued instructions ?—Instructions have been issued. Whether the result is any better or not, I cannot say.

150. But so far as you are concerned, you have issued instructions ?—The ministry has done its best to secure a better type of man.

151. In the case of registrars also you insist that a man of better education should be recommended by district officers ?—I think all that has been said is that nobody who is an illiterate should be recommended.

152. There used to be some registrars who did not know the English figures ?—Who could only just sign their names, and no more.

153. *Chaudhri Zafrullah Khan* : Your attention has been called to the fact that in many rural district boards there is no Hindu member. Can you inform the Conference whether it is a fact that in some of the districts, particularly in the north-west, the number of the Hindu electors in the district is almost negligible ?—Yes, there are some districts of that description.

154. With regard to the local rate, I think the matter has been cleared up, but I think the impression might have been received that the local rate is imposed only upon ownership of land.—The loca rate is imposed on land only.

155. Because at one time you used to have taxes on non-agricultural land. At present this local rate is a tax on landowners alone ?—That is so.

156. Has it happened in local bodies (and I am not confining my question to district boards alone) that non-Muhammadans have occasionally insisted upon having separate representation ?—I certainly think that in some of the places where communal representation exists it was requested by non-Muslim bodies.

157. It was suggested to you by Dr. Narang that in some of the district boards the Muhammadans have got a larger number of seats than (I think it was) their population justified. Will you inform the Conference whether that is so in many cases with the Sikhs also ?—It is stated clearly in paragraph 14 on page 142* that Sikhs have secured 186 seats as against 141 to which they were entitled according to the formula of population and voting strength.

158. Do not you think that the non-Muhammadans—which practically means the Hindus under the present classification—might have had slightly better representation on the district boards if they had cared for it—that to a certain extent their lesser representation is due to their indifference to obtaining seats on the district boards as compared with the municipalities ?—No, I do not think that is so.

159. In a considerable number of municipalities, is it not a fact that the number of Muslim commissioners does not nearly correspond to their population strength within the limits of those municipalities ?—In places where there are not communal electorates ?

160. Yes, in places where there are joint electorates ?—There may be some cases. I doubt if there are very many.

161. In Rawalpindi I understand that there is at present a system of joint electorates, although an attempt has been made to arrange wards in such a manner that in certain wards Muhammadan electorates should preponderate. Is it the fact that in spite of that arrangement the number of Muslim members returned to that constituency does not correspond with their population ?—I cannot possibly say. No elections have taken place since the new arrangements were made or rather proposed.

162. Is the arrangement proposed in consequence of the fact that it was felt that the Muhammadan population—— —The arrangement was made in consequence of certain allegations, which I am not sure have not now turned out to be entirely unfounded, because owing to the enormous number of bogus voters of all communities who were imported on to the electoral roll in Rawalpindi it is really impossible to say what the actual representation of the different communities ought to be.

163. Is it a fact that organised attempts are made when electoral rules with regard to municipalities are being prepared to regulate the representation of different communities to show their strength on the electoral roll as greater than it really is in order to obtain a longer measure of representation ?—I have heard allegations of that sort made.

164. *Mr. Owen Roberts* : In section D, chapter VII, paragraph 10,* you review the history of communal representation, and it would appear from that that the earliest reservation of seats for a minority that was ever made was made in 1886 for European and Eurasian householders. You say, " in 1886 " (in Lahore) " traders and shopkeepers, Indian owners " and occupiers of houses and European and Eurasian " owners and occupiers of houses, all had seats " specially reserved for them. Apart from this," it continues, " the earliest instance of communal repre- " sentation is provided by Amritsar where in 1888 " the elected seats were definitely divided " and so

* Vol. X.

on. It was recognised as early as 1886 that special representation for Europeans and Eurasians was necessary. I have had a good deal of correspondence with the ministry of local self-government on the subject of seats taken away from Europeans both in Lahore and Amritsar. Am I correct in concluding from that correspondence that the position now is that as Europeans do not amount to 0·5 per cent. of the population of any town, they will receive no representation in future ?—No. Are you referring to elected seats or appointed seats ?

165. I am referring to appointed seats. It is not a question of living on the generosity of Government, but of our rights.—Lahore is the only place in the province, apart from the hill stations of I think, Dalhousie and Murree, where any seats at all are reserved for Europeans. The proposition laid down by Government as regards places where communal representation is granted is that ordinarily no consideration whatever should be paid to any community which, on the basis of its population and voting strength, is not entitled to at least 0·5 of a seat.

166. That does in practice exclude Europeans entirely ?—That is the general principle ; it is not adhered to in Lahore, where Europeans and Anglo-Indians have received elected seats in excess of the number to which they are entitled according to the formula.

167. There is no guarantee for that, because in earlier correspondence with Government on the subject of Lahore I definitely asked for a statement that two seats should be reserved for these two communities, and I was told in reply that when the rules for Lahore were framed I could address Government on the subject. Those rules have not been framed yet, at any rate ?—The new draft rules have not yet been published.

168. The general position is that as things stand to-day it is possible for Government to frame rules which exclude us from representation ?—Entirely. The division of seats among communities is a matter settled by rule made by the local government, and not controlled by statute.

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197. *Sir Hari Singh Gour*: You said that the inefficiency of the local bodies is due to the inefficiency of the staff ?—Partly.

198. For how long has this been the reproach with local bodies ?—Always.

199. For a very long time ?—Always.

200. I take it that the inefficiency of the staff is due to the insecurity of tenure and to the absence of prospects of promotion. What action has your Government taken to improve the staff on these lines ?—As is stated in the memorandum, so far this problem has proved insoluble.

201. You mean at paragraph 38 on page 153 ?*—Yes. It is stated that " so far it has not been found " possible to arrive at a solution of the problem of " reconciling the independence of local bodies with " the constitution of an efficient service of local fund " servants enjoying security," etc.

202. Have you, for instance, attempted the creation of central government services ?—The question was explored by the minister in various committees that were appointed.

203. Would you kindly look at pages 151 and 160*. At page 151 you point out that recently only two district boards have availed themselves of the offer—you know the offer ?—Yes.

204. At page 160 you summarise your conclusions at paragraph 53. To what is this settlement due, and by whom and against whom ?—Control is resented often by members of local bodies, and I have heard expressions of resentment of this sort freely made in the legislative council also.

205. That is exactly what I am saying. The local bodies resent interference by the deputy commissioners and commissioners ?—Some, yes.

206. And yet when you ask the local bodies to get rid of the deputy commissioners, they do not ?—The reference here is really almost entirely to the urban local bodies, as to the control of deputy commissioners being resented, because in practice there is no control over the administration of district boards ; they simply dole out money.

207. I thought the reference in paragraph 53* was a summary of the whole situation ?—I say in further explanation that though there is no actual statement that this refers chiefly to urban bodies, it does in fact so refer.

208. As regards factions, would you kindly look at paragraph 55,† where you say that village panchayats have been unable to function owing to the bitterness of village factions. Now, what is the nature of these village factions ?—Family feuds, chiefly—family and tribal feuds.

209. *The Chairman*: Perhaps it would make it a little clearer, as you have read that sentence, to say that the power that is referred to is the power of the local Government to " suspend or abolish any " panchayat which is incompetent to perform, or " persistently makes default in the performance of " its duties." It is that power, I understand, which has been exercised in cases where village factions have made the panchayat a failure ?—Yes.

210. *Sir Hari Singh Gour*: Are these village factions confined only to certain localities, or are they widespread ?—I think you could find them in every district.

211. In every village ?—No, there are many villages where they are absent, where panchayats promise to function fairly successfully.

212. What percentage of villages would you consider to be free from these factions ?—It is impossible to make any estimate.

213. A question was asked about the commissioner as a useful link between the district administration and the local Government, and you have said that he often gives valuable advice. Now will you give me a concrete case where the commissioner's advice was so strikingly valuable as to justify the retention of the commissioner as an advising agent ?—No single instance could possibly justify a proposition of that sort. It was the cumulative effect of a considerable number.

214. Supposing there is a large measure of provincial autonomy in which the minister will be responsible for the administration of local bodies, do you think the intervention of the commissioner would still be necessary ?—But that is the position already.

215. You have now added that before the local government was entrusted to the minister you had the commissioner as a local agent of the Government ; is not that so ?—Yes, and he still occupies that position.

216. What necessity can you see now for the retention of the commissioner when you have got the minister to take his place as the agent of Government in the local self-governing body ?—The minister at head-quarters cannot possibly take the place of the local representative of the central Government.

217. Is not the local representative the deputy commissioner ?—Above him is the commissioner.

218. Yes, but it is just an accident that he is the commissioner.—As I have already said, experience has shown that in a large number of cases he performs very valuable functions.

219. You cannot give the Conference a single instance ?—It is impossible to say that any single instance could possibly justify, by itself, the retention of the commissioner.

220. But you recognise that there is a great feeling among the members of the legislative council and the

* Vol. X.

* Vol. X., p. 160. † Vol. X., p. 161.

legislatures, central and local, that these commissioners are an anachronism, and must go ?—I do not know that I have any particular information on the subject.

221. *Sir Arthur Froom* : Roughly speaking, it was about ten years ago that a movement was started by Government to try and make these district boards stand on their own legs ; was not that so ?—You mean as regards membership.

222. As regards not having an official chairman, and so on ?—Rather more than ten years, really.

223. During that period have you noticed that the administration of these district boards has improved at all with experience ?—No, there is not any improvement in the way of the administration of a town ; there is nothing but building more schools or building more roads or building more hospitals.

224. They look after education and sanitation ; do not you call that administration ? They look after roads, or they should look after roads. To put the question in another way, is the position as regards the efficient or inefficient administration of district boards the same to-day as it was ten years ago ? Is there any improvement ?—There has been improvement to this extent, that there has been more money to spend on these various subjects ; otherwise the thing has gone on in exactly the same way.

225. As the district boards have levied taxes up to the hilt (as I think you told us a short time ago) has there been an improvement in the various things they administer, or has the improvement been commensurate with the increased income they get from their taxation ?—They have got more of everything. They have more roads and more schools, but I do not know that the roads or the schools are any better than they used to be.

226. Has Government got any remedy for this state of affairs ? How are these district boards going to go on if they do not improve ?—It is not admitted that any improvement in that respect is called for.

227. They are very good, then ?—Their functions are so undetailed, if I can use that expression that——

228. Has your provincial Government, at any time during the past ten years, found it necessary to take back to their control the administration of any subject which previously had been delegated to the district boards ? Has that happened in the case of any one of the district boards, or two or three or more ?—I cannot recollect any such instance. They have taken back actual roads or schools, but simply for financial reasons, to relieve district boards of some part of their burden.

229. *The Chairman* : I want to follow this. When we were in the Bombay Presidency we were given (among our other material) a number of instances in which the department of Local Self-Government had for the time being suspended or taken over the work of certain local bodies because, unfortunately, they had not operated in the opinion of the authorities in a sufficiently satisfactory way to be given continued responsibility. I think that was the point, was it not ?

Sir Arthur Froom : Yes.

230. *The Chairman* : What I am not clear about is this. Is there such a power in the Punjab, and has there been any occasion in recent years to exercise it ?—There is a power of complete supersession of all local bodies, but that power has never been exercised in respect of a district board and only once that I know of in respect of a municipal committee.

231. *Sir Arthur Froom* : The object of my question is this. I want to learn, as I suppose my colleagues do. You have stated that the staff of the district boards are extraordinarily inefficient and always have been inefficient. How then are they going to get out of the muddle ? If you have an inefficient staff there must be a muddle. How are you going to get any improvement ? What is to be the future of the district board ? I was astonished to hear the staff was extraordinarily inefficient and I gather from the replies always will be. What is the future of the district boards in trying to carry on local self-government on these lines ?—As I explained before, the remarks as to inefficiency of staff and so on were chiefly concerned with urban areas. With regard to district board staffs, I should say that the charge of inefficiency would lie chiefly against the engineering staff, and there is some improvement gradually being made in the class of men who are now obtained as district engineers, and the work has improved in this respect.

232. *Sir Arthur Froom* : It is a question of pay, I expect ?—Yes, largely.

233. And your Government has no control over the amount that any district board pays its engineer ? —Not as to a minimum, no. The minimum pay for district engineers is not prescribed.

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239. *Sir Zulfiqar Ali Khan* : Do you think non-communal electorates for district boards are working satisfactorily ?—On the whole very satisfactorily.

240. It hinders the interests of no community ?—No.

241. Are there any municipalities with mixed electorates ?—Yes, large numbers.

242. What is the result with regard to communal representation ?—Have you not a copy of the statement showing the composition of local bodies ? I think from a calculation I made some months ago, that in places where there are not communal electorates the results have been very much the same as they would have been had there been communal electorates.

243. You think that the result of mixed elections is more satisfactory, and that the communities have no complaint whatever for want of due representation ?—In a few isolated cases there are complaints that one community or another has not got the representation that it deserves, but taken as a whole I should not say that there is general dissatisfaction with the arrangements in municipalities in which there are not communal electorates.

244. There are no glaring instances in which Muhammadan interests have suffered ?—I cannot call any to mind now. There was one small country town in which no Muslim member had ever been elected since the beginning of time.

245. Which was that ?—It was a town called Kartapur.

246. It has no Muslim member now ?—It has some now, but from the beginning of time it never had had. That, however, is an exceptional case. I know of no other case like it.

247. Can you tell me if there was another municipality which caused much heart-burning to a sister community, where the Muhammadans were given over and above their due share in the representation ?—They were not given more than they were entitled to according to that formula which has been explained ; in fact they were given less than Lahore.

248. Then what caused the offence on the part of the Hindu members ?—I suppose they were annoyed at no longer being able to command a majority on the committee.

Raja Narendra Nath : They never did so.

249. *Sir Zulfiqar Ali Khan* : Does your experience point to the fact that this system of election has caused disruption of ties in families, where, for example, two members of the family are competing for the same seat, and there is disruption of that family tie, or even of friendship ?—No, I have never heard of instances of that sort.

Sir Zulfiqar Ali Khan : That is very strange !

250. *Lord Burnham* : You have made some caustic remarks, which I am not saying are not justified because I do not know, upon the inefficiency of local boards. For my own information could you tell me

how the matter stands in regard to the control of the local Government over works undertaken by local boards which have been brought into the same category as municipalities in respect of that control? Supposing the work is undertaken, road work for example, and it is not properly carried out owing to inefficiency of staff, as a matter of practice do you not look into the matter and take some steps to see that the work is better done?—In the case of works aided by grants from Government there is very close inspection of work carried out, and the local engineering staff are closely supervised by the Government engineering officers.

251. You have to sanction the scheme in the first place, have you not?—If it costs more than a certain amount.

252. Therefore in respect of such scheme there is supervision and control to secure efficiency?—There is an attempt to secure it.

253. That is what I want to know. You do not consider the control is sufficient for the purpose?—In the end it could only be enforced by compelling members of the local body themselves to pay in cases where money has been wanted, but that has never been done.

254. Suppose that the road is made of bad material for which a grant has been obtained, is it not possible to see that it is set right?—Yes, and that is very often done. Orders are issued, and they are more or less executive orders, and the contractor is made to put in proper material and do the work over again.

255. Therefore in respect of all works for which grants are made by the provincial Government, you do secure efficiency by control, or some efficiency?—Some efficiency.

256. Do you think that powers ought to be strengthened for that purpose, because I am aware that the policy has been rather trial and error, and to let people profit by their mistakes; but do you think there ought to be more power exercised by the provincial governments in respect of these matters?—No more power than is possessed is required, but I do think it might be possible to tighten up the use of the powers that are already possessed by Government.

257. You will forgive me for saying that if your evidence is justified they ought to be tightened up?—I say I think there is room for a tightening up of control; but greater powers of control are not necessary. I think we have quite sufficient powers already.

258. It is a question of the use of powers?—Yes.

259. You are quite well aware, I know (though I am not quoting it as an exact parallel) that powers of supervision and control are used pretty freely in England?—Yes.

260. Then I understand you to think that the Government might turn over a new leaf in this matter?—I think during the last three or four years there has been a gradual tightening of control in many respects, and it is continuing.

261. Then things are improving?—I think so.

262. *The Chairman*: Would you turn to page 140* of the big book, the same page as that to which Sir Zulfiqar called attention. I realise that what is there being quoted is before your time—this Note, and so on—but it sets out apparently a formula or a principle which was devised to be applied to the constitution of municipal bodies; is not that so?—Yes.

263. I do not clearly understand what the formula means. It seems to me that elected seats on municipal bodies should be distributed among the communities in proportion to their population as modified arithmetically by their voting strength. I should like to have a little description of what that means. Suppose you have, for the sake of argument, one community which has a population of 5,000,000 and another community which has a population of 10,000,000. Suppose when you come to voting strength the smaller community has a voting strength of 50,000, and the larger community has a voting strength of 70,000, what is meant by saying that you will distribute elected seats among the communities in proportion to their population—that is not as 1 to 2, but as "modified arithmetically by their voting strength?" That would mean as 50 is to 70.—It is not at all happily expressed. What really is done is to take the number produced by applying the population figures. Supposing that there were nine members to be elected, in your example, you would give three to the one community and six to the other on the basis of population. I do not quite know what it would work out to on the basis of voting strength, five-twelfths and seven-twelfths of the number.

264. Then would you say that in view of the fact that the smaller community was exceedingly strong in voting strength, instead of calling it 3 you would call it 4?—No, you take the actual calculation. You divide the nine members in the proportion of 50–120 and 70–120.

265. Then why do you begin by referring to the population?—You first of all get the figure for the population, which gives you 3 members for one community and 6 for the other. Then you take the voting strength, which would perhaps give you 4 members and 5, and then you take the mean between the two.

266. That is plain enough. If you look at page 19* you see there not indeed now in reference to municipalities but in reference to the legislative council, some figures of which the bottom line is "Distribution on mean," which is taking the arithmetical mean between the two?—Yes.

267. "Modified arithmetically" then means taking the arithmetical mean?—Quite.

268. The other question is this, and I think perhaps it is more important. We are only for the moment thinking of municipalities and district boards in the Punjab, but those who have the responsibility of going round India (Sir Sankaran Nair and his colleagues, and my colleagues and myself) naturally are thinking of comparison between one province and another. As I make it out (and I say this to the Conference quite as much as to the witness) the problem of securing some representation for minorities in municipalities and district boards is a problem that has had to be faced in all parts of British India. It seems to me it has been dealt with, or attempted to be dealt with, in one of two ways, and the ways are different according to the province one happens to speak of. In Bombay, for example, we have learned (or at least I have; others may have known already) that the method that is adopted is not the method of nominated members to secure some representation for the minority, but is a method, in the case of Bombay both in the district boards and municipalities, of securing separate election for certain communities, as for instance, the Muslim community, or at any rate in the case of certain municipalities making wards in such a way that you in fact get a block of this religion or the other. As I understand it, though in Bombay, and I think we shall find also in the United Provinces, provision exists for the separate election of Muslims, both in the municipalities and district boards, here in the Punjab an actual working provision is that as far as the district boards are concerned there is no communal election as far as the municipalities are concerned there in effect is. Is that right?—Only to a limited extent.

269. To the extent of how many municipalities?—There are 107, and in about 50 there are communal electorates.

270. In about half?—In addition there are all the smaller towns which are not municipalities but are called small towns. There are over 110 of them,

* Vol. X.

108504

so you have got communal electorates in about 25 per cent. only of urban areas.

271. Take the Punjab case. As I follow it, what is done about that in the Punjab in fact is done in consequence of a provincial Act called the Punjab Municipalities Act or Municipal Act, which I think has been amended quite recently?—Constantly, right up to 1925.

272. That is what I thought. There the provision is that the local Government has power to prescribe by rule the number of representatives of each ward or class?—Yes.

273. The point is that it really depends on the legislation of the province and upon the action taken under that legislation, it does not turn on anything in the Government of India Act or on anything which is part of the overriding constitutional structure. Then I understand that in the case of district boards in the Punjab the matter is dealt with in another Punjab Act, the Punjab District Boards Act, under which the mode of appointment or election of members is determined by rules made by the local Government?—Yes.

274. There, as you have told us, the rules as made do not provide for communal representation, and on the other hand ex-officio chairmen are the rule: is that right?—Yes.

275. Perhaps I may just sum it up, to clear my own mind and possibly even to assist the Conference as a whole. It really comes to this. There are two ways in which you may conceivably try to provide for this problem, if it is to be provided for. One method is the method of securing the minority community from being unrepresented by the method of nomination. That, I think, so far as these local bodies are concerned, is the method followed in Madras, in the Central Provinces, in Bihar and Orissa, and I think (except for Calcutta itself) in Bengal. The other method is the method (no doubt under provincial law) of providing, where it is thought right to do so, for communal electorates. In Bombay that is done both in the town and in the country; here, broadly speaking, not in the country but in a certain number of urban areas. That seems to be the way it works out?—Yes.

276. A conceivable method, no doubt, would be reservation of seats, but in fact I have not yet noticed that in these local self-governing units reservation of seats is commonly employed. You do not have it here, do you?—I think there are one or two towns where that has been tried.

277. *Lord Burnham*: How does it work?—I have never heard any complaints of it.

The Chairman: It is not a very large experiment, in any case. I may say that I was led to look into this in this comparative way by looking at the Government of India document to which someone has referred, and more particularly in paragraph 43,* and at the extremely good appendix, Appendix VI, where you get set out in a page and a half a statement showing the means of representation of minority communities on municipal and local boards in the different provinces.

We are greatly indebted to you, Mr. Beazley, for your valuable evidence.

LAHORE.

Dated, 3rd November, 1928.

PRESENT:

ALL THE MEMBERS OF THE COMMISSION (EXCEPT COLONEL LANE-FOX), OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND AND RAJA NAWAB ALI KHAN) AND OF THE PUNJAB PROVINCIAL COMMITTEE.

Khan Bahadur Nawab MUZAFFAR KHAN, Joint Secretary to the Government of the Punjab, Transferred Departments.

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1. *The Chairman*: I think you, Khan Bahadur Muzaffar Khan, are a member of the provincial service?—I am.

You joined the service in 1905?—Yes.

2. You served as extra assistant commissioner for many years, and I think you were appointed in 1923 as election commissioner of the Punjab?—Yes.

3. I am not quite clear what that means? What is an election commissioner?—Election commissioner is an officer appointed by the Punjab Government to carry out the elections of the legislative council and of the Legislative Assembly. It is an appointment which is made every three years at the time of general elections. The Council of State election takes place after five years.

4. Do you, as a matter of fact, operate as election commissioner when the time comes round to elect to the Council of State?—I did it on the last two general elections twice, but the first time it was done by another officer.

5. I think I am right, am I not, that the election for the legislative council of the Punjab takes place at the same time as the election for the Legislative Assembly?—Quite so.

6. Or, at least, it has hitherto?—Hitherto, yes.

7. Because each body has a maximum life of three years?—Quite so.

8. And hitherto there has been no premature termination of either the Punjab Council or of any particular Legislative Assembly?—Quite so.

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10. Is it possible to conduct the elections here at the time when both Council and Assembly have to be elected by means of a common register, or is there a separate register for each?—It is a common register with different serial numbers for the Assembly and for the council.

11. There are people who will be qualified, as things are, to vote for the legislative council who

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* Vol. IV., p. 162.

would not be qualified to vote for the Legislative Assembly ?—Quite so.

12. And, of course, the constituencies are different ? Yes.

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14. I would like to ask you a few questions about the system, but of course we are not in the least concerned with the details, only to get the right outline as to what happens. First of all, as regards the list of electors, how is it made up in this province ? —In the rural areas the patwari or the village clerk makes it, and in the urban areas special clerks are appointed. They visit the houses from door to door, and register the names of the various electors who appear to them to be qualified.

15. Then is there some publication of the list in advance of its coming into operation ?—Yes, there is the publication at every police station and at every village to which the electors' roll relates.

*16. And supposing that it is desired to take objection to the list, either for the purpose of striking out a name that has got in, or for the purpose of adding names that are not there, what is the method ? —We allow a period of twenty-one days for that, and any elector who wants to object or to put in a new claim can do so within that period.

17. And in that way a list is ultimately settled ? —Yes.

18. In your experience, do you find that the list when settled is a fairly accurate list of qualified and living voters, or do you think that there is a good deal of mistake that creeps in ?—I think it is fairly accurate, because it is prepared by very responsible officials in the rural areas, and by people specially appointed for that purpose in urban areas.

19. I was not criticising the competence of the people concerned, but, of course, however competent they are they could not tell whether the elector on the list is going to die. Is there some method by which he is taken off when he dies ?—Yes. Every third year he is taken off.

20. Is it the case that the list is made triennially in anticipation of the election which is then going to take place ?—Yes.

21. You are fairly satisfied about it ? Now, we already had evidence from Mr. Miles Irving which shows how many voters there are for the council elections. I would like you to tell me (it is in the book) how many of those voters voted in the last election. Just turn to page 25,* paragraph 57. In the second sentence there you say :—" Statement " No. 7 shows the total number of votes polled in " contested elections."—Yes.

22. Statement No. 7 is on page 50.* We need not go to previous history. Where do we get the latest figures ?—In the same paragraph.

23. Quite right. In 1926, the total numbers of votes polled were 305,873 ?—That is right.

24. What one notices with interest, and, if I may express it, with satisfaction, is that the percentage of voters going to the poll is rising as the successive general elections come round ?—Yes, that is so.

25. It is rather striking. Apparently in 1920, 32 per cent. of the registered voters voted in contested constituencies ?—Yes.

26. In 1923, 49 per cent.—Yes.

27. In the last election, 1926, 53 per cent. ?—Yes.

28. Apparently in one constituency it went as high as 78 per cent. ?—Yes.

29. Do you happen to remember which constituency it was ?—No, I could not tell you that off-hand.

30. Considering the largeness of the areas, I think that is a very interesting and striking figure. Of course, looking at that page, one cannot help being struck by the fact that whereas over half of the registered male voters voted in contested constituencies, it is very different indeed about the women voters ?—Yes, it is.

31. Apparently in the whole of the Punjab province in 1926 in contested seats for the legislative council the ladies who voted were 1,190 ?—Yes.

32. Out of a registered number of 21,000 odd ?—Yes. That was the first time when the women voted.

33. That is quite right. Down to this last election there was no female suffrage here ?—No.

34. I would like you to tell me in a sentence or two about that side of it. Are special arrangements made for the woman voter ?—No, no special arrangements.

35. She comes to the polling booth as a man does ? —Yes.

36. What is the explanation, apart from the fact that it is a novelty, do you think, that the percentage of registered women voters who vote is only something like 6 per cent. ?—Amongst Muhammadans I think perhaps the *purdah* system has got something to do with it, and even with Hindus and Sikhs, being the first time, I think they are a little backward in coming forward. Then there was a demand for special polling arrangements for ladies, but we could not do it at that time. It is difficult to find a sufficient number of presiding and polling officers.

37. What was the year when women's suffrage was started for the Punjab ?—I think it was about the same year when the council passed that resolution.

Dr. Narang : If I remember aright, it was 1924 or 1925.

38. *The Chairman* : Only just before the election ? —Yes.

39. Those of us who are familiar with elections in England know how often it happens a man comes with his wife to vote. They do not always do so, but it often happens ; the woman waits until her husband has finished his work and then goes with him. Is that the sort of way they vote here ?—I cannot be very certain on that point, but I think generally the wife would accompany her husband.

Chaudhri Zafrullah Khan : Most of the women voters here are not married.

The Chairman : Nearly everybody on the women's register is unmarried and is on the register because in her own right she possesses one or other of the qualifications ?

Chaudhri Zafrullah Khan : Or is a widow.

The Chairman : I follow that. If a lady is the wife of a voter it is improbable that in her own right she has the qualification.

Chaudrhi Zafrullah Khan : In very few cases she has the vote.

Dr. Narang : Generally the zamindar women widows are entered as proprietors after their husband's death, and the largest number of women voters will be from that class.

40. *The Chairman* : * * * To what extent would you say that, taking the existing franchise, the voter in the Punjab is illiterate ?—The majority of the voters are illiterate.

41. When the voter cannot read, what is done ? How is the citizen helped to cast his vote ?—He is helped by the presiding officer. He comes to the presiding officer and hands over the ballot paper and asks him to mark the ballot paper for him.

42. We had a description of it when we were in Poona, and no doubt it is much the same here. Is there any actual percentage figure which will show what proportion of the voters is literate and what illiterate ?—No, there is no actual figure, but I know this from actual experience. Even in an urban area when I have gone to watch the conduct of the polling I saw literate people coming to the presiding officer and asking him to mark the paper for them.

43. Why do they do that ?—Perhaps to hurry it up, or perhaps because they are a little excited and confused. I have seen it in Lahore with my own eyes, even in the case of people who are well read.

44. After all, people become more experienced by degrees ?—Yes.

45. I think you said the majority were illiterate ? —Yes.

46. That is as definite as you can be ?—Yes.

* Vol. X.

47. Is it a large majority ?—Very large.

48. You consider the large majority are illiterate ? —Yes, a very large majority.

49. An interesting point on page 26* to which I call attention in passing is that for certain purposes and in certain elections there is voting by post ?—Yes.

50. I see you say that since 1920, besides the four Council of State constituencies, postal voting has been introduced for Punjab University, Punjab Chamber of Commerce and Trades Association, and Punjab industries, and since then three landholders' constituencies in the council and one in the Legislative Assembly have been added; I suppose the landholders general, landholders Muhammadan and landholders Sikh ?—Yes.

51. Does that work satisfactorily, in your experience ?—I think it is quite satisfactory. I have heard only one complaint, and that was that one postal peon was taken away by one of the candidates in his own car with the ballot papers. That was the only complaint.

52. These incidents will happen in the best regulated communities. We may just look at what you say about election petitions at the bottom of page 27*. I gather from the table there that a certain number has been lodged, but, as happens elsewhere, more election petitions are lodged than are pursued to a successful conclusion ?—Yes.

53. Indeed, I gather that for the last council elections there has been no successful petition, but after the first election five were successful, and after the second there were four ?—Yes.

54. For the Assembly there seems to have been one which was successful. We can all read this for ourselves, but the Conference will notice that at the top of page 28* the main grounds are given. What I should like to know is not the main grounds (because accusations and complaints are very easy to put forward) but what was the main ground on which the petitions turned out to be successful. What was the case that was proved to the satisfaction of the tribunal ?—I think in one case treating was proved.

55. Entertaining people ? We have heard of that in England too.—Yes, and personation in another. Those are the two cases I remember.

56. In paragraph 75 you give the average expenditure as returned by successful candidates for the council. One notices, and is sorry to see it, that the average expenditure so returned seems to be going up ?—Yes, it does.

57. Do you think that the figure so returned is a trustworthy indication of what is spent ?—It is very difficult to say, but generally speaking I think the figures are correct. I have received complaints from some districts that all that has been spent is not shown.

58. Do I understand that in this province for the council elections there is no actual limit as to the expenditure which may be incurred ?—There is no limit.

59. *The Chairman*: As long as you do not spend it unlawfully, that is; you cannot spend it on bribery.

Dr. Narang: You will notice it says at the bottom of page 29* :—" It is generally understood that the " actual expenditure in many cases largely exceeds " that returned by candidates."

60. *The Chairman*: Yes. I am not asking a question for the moment, but venturing to make a statement. In the past history of parliamentary elections in England, there is no doubt that there have been many very bad cases indeed of extensive bribery: either the direct buying of votes by the paying of money, or in indirect ways which an honest man would think just as bad. There is no doubt whatever that matters have very greatly improved in England, and I do not think it would be in the least right to say that such a system in practice obtains to-day. I wish you would tell me what your own view is as to the present condition of things in the Punjab in that respect ?—Generally, I think, in one or two divisions that I know of, nearly all the electors who come to the polling stations are given food free by the supporters of the candidate, if not by the candidate himself. Then I have heard of another case in which one candidate is reported to have bribed the electors, but that is only one case.

61. You mean by paying money ?—Yes.

62. What one would like to know is what your view is as to the extent to which that kind of thing may occur here. It may very well be a thing which will improve in the course of years, as I have pointed out it has improved in England. It was not always good in England. What is your view ?—I do not think so far the complaint is general.

63. I was not asking whether there is complaint about it. I have no doubt the recipient does not complain and I do not suppose the candidate complains. I am asking whether it happens ?—It did happen in one or two districts.

64. The only thing that will help to make that better is a healthy public opinion, and nothing else ? —Quite so.

65. What do you think is the position about that ? Do you think a more healthy public opinion is growing ?—I think it is growing, though very slowly.

66. Can you give us, in a word or two, your view as to whether the size of constituencies is suitable or unsuitable from the point of view of securing a reasonably efficient working of the electoral machine ? —From the point of view of elections, however large a constituency may be I do not think it would make a difference, because districts are our units, and if one constituency extended over more than one district the arrangements would be duplicated

67. It was pointed out by one of the members of the provincial committee yesterday—a very striking fact to me—that the whole of the Multan division was one single constituency ?—Yes.

68. Of course, that is an enormous area ?—It is.

Dr. Narang: Sometimes more than a division. Mine is a division and some districts form another division.

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70. I understand that the Multan division returns one member ?—Yes.

71. Because here it is all single-member constituencies ?—Yes.

72. What would be a fair round figure to take, speaking of the Multan division—so many miles long and so many miles broad ?

Chaudhri Chhotu Ram: Somewhere in the neighbourhood of 25,000 square miles.

Dr. Narang: I know my constituency covers about 40,000 square miles.

73. *The Chairman*: Of course, as Sir Hari Singh Gour points out to me, the population of the Multan division is sparse and spread out ?—Yes, specially in the case of Muhammadans.

74. And that is always a difficulty ?—Yes.

75. Certainly, some of these areas are very big ? —Yes.

76. *The Chairman*: Is it inconvenient, since this is a free Conference, to ask you gentlemen on my right what your view is about that ?

Chaudhri Zafrullah Khan: A constituency of that kind would be inconvenient. I happen to have one solid district, so it does not matter to me so much.

Dr. Narang: If you will look at page 44,* you will find a constituency there—it happens to be mine, but that does not matter—Constituency No. 6, North-West Towns. That gives you an idea.

The Chairman: That is grouping together in one constituency a series of widely separated towns ?

Dr. Narang: Yes; I have to go a distance of 200 miles from Lahore up to the Indus.

* Vol. X.

The Chairman: Then the intervening country is no part of your constituency?

Dr. Narang: That is so.

The Chairman: We have the same thing in a smaller degree in England. We group together boroughs. Mr. Lloyd George is member for Carnarvon Boroughs, and Sir Henry Campbell-Bannerman was member for Stirling Burghs. There are a number of such cases; but the distances between one borough and another with us are not so great.

Raja Narendra Nath: My constituency covers the whole of the Punjab. That is representing special interests.

The Chairman: I do not see how that can be avoided. That, after all, is not perhaps a geographical constituency so much as the representation of special interests; but the striking thing is when we come to purely geographical areas they are sometimes this size.

Chaudhri Zafrullah Khan: The best illustration is this Multan division.

77. *The Chairman* (*to the Witness*): Have you a view yourself as to whether it would be better to increase the number of members by reducing the size of some of the constituencies? Of course, you have got to remember that if you reduce the size of a given constituency it means increasing the number of members?—Yes.

78. What is your own judgment, on your experience, of this, speaking from the administrative point of view?—The population of Hindus in that division—that is a non-Muhammadan constituency—would be so small that if you allotted a certain number of electors for one member I think perhaps you would find it very difficult to reduce the area of that constituency.

79. That raises another interesting point, and I am not sure that I know here in the Punjab; I know how it is in Bombay. Let us take a constituency with boundaries, the Multan division or anything you like. Now, there will be, will there not, a Muhammadan constituency where all the Muhammadans vote? Is that right?—Yes.

80. Or more than one?

Chaudhri Zafrullah Khan: Multan division returns about six or seven members.

81. *The Chairman*: That means that for the purposes of returning Muhammadans the area is broken up into six smaller areas, each a separate constituency?—Yes.

82. Then when we come to the non-Muhammadan constituency in the Multan division, I gather it is a single constituency of all one?—Yes.

83. I do not quite understand your last remark, that if you made the constituencies smaller you would have too few people of a particular community to make a constituency. For instance, it would be conceivable to divide the Multan division not into six areas but into nine; instead of there being one Hindu member there might be two. I do not follow why you say the difficulty of sub-division would be that you would not get enough people in the constituency?—If the population is small, naturally the member allotted to that area would be one, according to the population basis.

84. It really comes to this. You have got to take the population or the total of the electors or whatever the proper figure to take is. You have got to divide it by some figure or other which will guide you to the total number of elected members on the council?—Exactly.

85. Then it becomes a question of the suitable distribution of the seats?—Yes.

86. *Lord Burnham*: I am not quite clear as to the difference between the electoral areas for the legislative council and for the Legislative Assembly. Taking Multan division, for the two purposes of the general electorate and the Muhammadan and non-Muhammadan, could you tell us?—I explained that as far as the electoral rolls are concerned we make them by police stations. Police stations are our units; however big the constituency may be, our electoral roll will be for that police station. Now, supposing for non-Muhammadans the whole of the Multan division and the Rawalpindi division is a constituency, and for the council it is a smaller constituency, then we shall prepare electoral rolls for a smaller area, and those electors, whether they are of the Assembly or of the council, would go to the same polling station. The extent of the constituency would not make much difference in that, as far as the conduct of elections is concerned.

87. Although, of course, they are a different set of electors?—Yes. We give different serial numbers. We will take a polling area, which is a *thana* in this case, and there are, say, 8,000 voters for the council amongst non-Muhammadans; there may be 50 voters for the Assembly, and those 50 voters will be separately numbered, 1, 2, 3 and so on; so when an elector comes to that place he will see what his number is, and he will poll in that polling area or in that polling station. Then those ballot papers would be collected and sent to the returning officer concerned. So there is no difficulty in that.

88. But as the number of electors is smaller for the Legislative Assembly, the constituency is therefore more scattered?—Yes.

89. And more difficult, I imagine, for the member to get at, or the candidate, I should say?—Yes, very difficult for the candidate to get at.

90. He can only do so through the post?—In the case of those constituencies in which the number of electors is limited, we do it by post, as for instance, in the case of the Legislative Assembly, special constituency, but in the case of general constituencies I think it would be very difficult, and even then the candidate will not gain by it, because he has to approach the same elector whether he votes by post or——

91. *The Chairman*: I think there is a slight misunderstanding between you and my lord. I think my lord's question had to do with the extent to which the candidate is able to get into touch with his constituents. He was not speaking of how the constituents voted.—Generally the candidate canvasses by post, and then I think the member of the Legislative Assembly approaches the local candidate of the legislative council and asks him to canvass for him, too, in the rural area, because the candidates for the local council or their agents generally attend every polling station, and this candidate of the Assembly also asks them to canvass for him in the rural areas, and he also does it by post. He sees the electoral roll, and wherever he finds the number of voters in towns is very large he sends his agents to canvass for him.

92. *Lord Burnham*: Then virtually speaking there is no personal touch as between man and man?—No.

93. *Major Attlee*: On the question of election petitions, you have not had very many?—No.

94. Is it possible that more election petitions might have been brought had not the petitioner known that he was in the same case as the person he would like to unseat?—That is possible.

95. You were asked with regard to bribery. Would you say there was much undue influence by persons in a superior economic position, landlords, moneylenders, and so on?—No, not so far.

96. Is there any pressure put by village officials?—Government issued very strict instructions that no officials were in any way to influence the conduct of elections.

97. Are they carried out?—I cannot be sure. I think there were complaints from certain parts that official influence was used. I do not say that Government in any way influences the conduct of elections, but officers sometimes help their friend and disobey the instructions issued by Government.

98. When the electors come from their villages to vote, do they come individually or does the village sometimes come as a whole, almost marching to the

polls ?—They come as a whole if they support the same candidate. If they supported different candidates they would come in two parties. In one district they came with bands playing in front of them.

99. That is quite like old times in England ! Do you think the ballot is really secret in the case of the illiterate voter ?—As far as the presiding officer is concerned it is not secret, because he knows it ; and in certain areas I notice the electors do not much dare to make a secret of it.

100. *The Chairman* : They do not mind saying for whom they voted ?—No.

The Chairman : Whether truly or untruly !

101. *Major Attlee* : Do you think the presiding officer ever gives them away ?—No.

102. You have got an adequate staff all round to secure the secrecy of the ballot ?—I do not think there has been a single complaint throughout the province that the presiding officer has given a voter away.

103. With regard to the giving of meals and rides in carriages and so on, would you regard that less as real bribery and more as a friendly act to people who come from a distance ?—I would not call it bribery. In the rural areas there are no shops, no regular shops, and there is a general custom in rural areas that whenever a stranger comes he should be given food. I would not call it bribery, it is more a sense of hospitality that prevails.

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105. *Major Attlee* : Would you say that treating was not really bribery at all, but more a hospitable custom ?—Yes, I think it is a hospitable custom, but it is a corrupt practice according to the rules.

106. But more technically than practically ?—Yes.

107. The entertainment is not so much to bribe as to be kindly ?—Yes.

108. *Mr. Cadogan* : Do I understand from you that the machinery for recording the votes leaves nothing to be desired so far as secrecy is concerned ? You do not suggest any change ?—No ; so far as secrecy is concerned I have heard no complaints.

109. Therefore the question of influencing, with secret voting, is not so important ?—I have heard no complaints.

110. *Lord Strathcona* : In paragraph 61 on page 25* you refer to the question of personation, and it is stated there that in subsequent elections there was personation, but the figures are not high ?—Yes.

111. In your experience, do you think a lot of " dead men " vote ? That is to say, people die and other people take their places ?—I do not think so.

112. The electoral rolls are sufficiently up to date to avoid that ?—Yes. Before the election takes place we revise the rolls.

113. With regard to the deposits which candidates have to make, would you give me a rough idea of what the amount is ?—I think Rs. 500 for the Assembly and Rs. 250 for the council.

114. *The Chairman* : In what event do they forfeit it ?

Dr. Narang : If they poll less than one-eighth of the polled votes.

115. *Captain Sikandar Hayat Khan* : With regard to electoral rolls, have you noticed that in urban areas two persons may be entitled to vote for one and the same property, for instance, the owner of a house coming within the classification, and his tenant, while in rural areas this is not so, and only the owner of the land votes ?—Yes.

116. Do lessees of land other than Crown land vote in rural areas ?—No, only lessees of Crown land.

117. Other lessees are not qualified ?—No, not according to the rules.

118. I suppose you know there are joint electorates for district boards, there are no separate electorates so far as election to the district board is concerned. Could you tell us whether the creditors or other people have an influence over the voters ? —I have no experience of district boards at all.

119. You were also in charge of the Gurdwara committee elections ?—Yes.

120. What is the qualification there ?—Every Sikh who is twenty-one years of age and over is entitled to vote—both male and female.

121. Have you found any difficulties in elections, although they have adult franchise ?—There were difficulties, but the number of people actually registered was not very large ; it was about the same as in the case of the council. In the council it was 7 lakhs and in the case of Gurdwara it was 8.

122. For one community alone ?—Yes.

123. With regard to election expenses, you told us you had heard, or had had complaints, that the actual expenses were not shown. Would you agree with me if I told you that in most elections the usual expenditure is about Rs. 10,000 ?—It is for the candidates who spend the money to say. I cannot be certain on that score.

124. Have you heard that in one constituency in the Punjab at the last election the candidates spent at least Rs. 30,000 to Rs. 40,000 each ?—Yes, I heard that.

125. That would mean that a peasant proprietor or other small man would have no chance at all ? —Yes, if all the constituencies acted like that he would not have a chance.

126. Do you think that if the tenants were also enfranchised the increased number of voters would probably lessen the chance of bribing the voters ? You have constituencies now where there are only two or three thousand voters, but if there were ten to fifteen thousand would it lessen the possibilities of bribery ?—It depends on the length of the candidate's purse !

127. Very few women electors come to the polls. Do you think that is due to the fact that no special, separate arrangements were made ?—Partly.

128. Do you think if there were separate arrangements more women voters would come ?—Yes, I think so.

129. You also refer to the *purdah* system. May I ask you to inform the Conference what percentage of Muslim women are in *purdah* ?—I said it was partly due to *purdah*.

130. You will agree with me that very few Muslim women are in *purdah* ? For instance, in rural areas they are not ?—Not in the tenant class, generally.

131. Or even in the small peasant proprietor class ?—I have not any experience of other districts, but so far as my own district is concerned I think even the small peasant class would be.

132. *The Chairman* : What is your own district ? —Attock.

133. *Captain Sikandar Hayat Khan* : Will you agree with me if I say that in your district (which is also mine) the percentage of *purdah* women would be only about 10 per cent. of the total ?—Yes, about that, I should think. Generally it is the proprietor class.

134. *Lord Burnham* : Is 10 per cent. the usual average you would take for ladies in *purdah* ?

Captain Sikandar Hayat Khan : Yes.

Dr. Narang : It is much less.

135. *Captain Sikandar Hayat Khan* : That is the outside figure ; I agree it is probably much less. (To the Witness) : You say that the majority of electors are illiterate, and I agree with you that they are at the present time ; but do you feel that during the last two or three elections there has been a gradual increase of political consciousness among the voters ?—Yes, certainly, and even if the voter is illiterate I think he starts taking a keen interest in the elections.

136. With regard to the personal touch, do you think it is at all possible in these larger constituencies to have personal touch at all ?—No, it is difficult.

137. You think there would be more opportunities

* Vol. X.

of getting into personal touch with the voters if the size of the constituencies was reduced and the number of members of the council increased ?—Certainly.

138. You say there that the government expenses in connection with elections have gone down gradually ?—Yes.

139. Although there has been an increase in the number of voters at subsequent elections ?—Yes.

140. Does that mean that if the system is efficiently worked you can keep down the figure, and even reduce it further ?—I think we have reached the minimum. It would be very difficult to get it lower.

141. If the number of voters was doubled, do you think the election expenses would also be doubled ? —The staff at head-quarters would remain the same, but it would mean an expenditure of Rs. 30,000 for every one lakh voters for printing and miscellaneous expenditure.

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146. Then with regard to polling in the rural areas. Polling takes place I understand at police station head-quarters ?—Yes.

147. In urban areas polling stations are erected in various sub-divisions of the town ?—Yes.

148. So far as urban areas are concerned polling stations are practically at the door of the voter ?—Quite right.

149. So there is no question of conveying him to the polling booth ?—Not to such a long distance.

150. In the rural areas what is the average distance which an elector is required to travel in order to go and record his vote at the polling station ?—On an average it would be between ten and fifteen miles. But in sparsely populated districts it may be even thirty. In Kangra side it may be fifty.

151. Which he has got to travel at his own expense ?—Yes, but those are very sparsely populated districts, Kangra, etc. On the average it is between ten and fifteen miles.

152. *The Chairman* : Is that about your experience, Chaudhri Saheb ?

Chaudhri Zafrullah Khan : Yes.

153. Generally of course in the Punjab we know that there are not very many good roads in the rural areas, so that the man has either to walk or ride that distance ?—Yes.

154. With regard to arrangements for polling women's votes—I do not now enter into the question of what technically is or is not *purdah*—is it a fact that each voter whether male or female has to be identified so far as his or her appearance is concerned before the ballot paper is issued ?—Yes.

155. I would ask you from your personal experience of the conditions in the Punjab, so far as the Muhammadan community is concerned, whether there is any *purdah* or not, to say whether a Muhammadan woman voter would not have objection to having to be identified by a male identifier before a ballot paper could be issued to her ? It does not matter whether there is any *purdah* or not.——

The Chairman : The question suggests that there should be a female identifier.

The Witness : I think, not for all classes.

156. *Chaudhri Zafrullah Khan* : But as you said, the peasant proprietor classes in the rural areas ? —All depend on the men. If there was a lambardar who was of the same village she would not mind, but if there was quite a stranger she would certainly object.

157. Do you think the hesitation to go to the polling booth on the part certainly of Muhammadan women is largely owing to the publicity at the polling stations, and if there were special arrangements by which women could be identified by women and if the recording of votes was at a place where there would not be so much publicity, there would be a larger number of women coming in ?—It is due to the apathy.

158. In the absence of special arrangements that reluctance would continue ?—It would. If we appointed female presiding officers probably the number might increase, but it would be impossible to do so. Even in the case of men we experience a good deal of difficulty, and it would be practically impossible to provide female presiding officers.

159. That is what I am putting. I am not blaming you. All that I say is that under present arrangements the reluctance of the better class of women voters, particularly among the Muhammadans, would continue, the reluctance to appear at the polling booth would continue ?—I have told you that this time it was due to the apathy of the electors.

160. I want to find out whether you feel, apart from apathy, if there was a lot of canvassing and so on whether there would not still be that reluctance on the part of better class Muhammadan women ? —Yes.

161. Is it not a fact that a considerable number of Indian Christian ladies went to the polls at the last election ?—I could not tell you. I do not think we have got any figures for Christians.

162. Now, what class of officers do you employ as polling officers and presiding officers ?—During the first two elections we had judicial officers—magistrates, munsiffs and sub-judges. At the last election it was found very difficult to spare them and so we employed officers from other departments, and a certain number of lawyers.

163. They were mostly non-gazetted officers ?—Both gazetted and non-gazetted. The number of non-gazetted officers was large.

164. Were there many more complaints in the last election with regard to irregularities committed by polling officers than there were during the first two elections ?—In what respect ?

165. For instance, as to failure to provide facilities and trying perhaps to favour one candidate or the other at the expense of the rival candidate ?—I could not tell you. I think in one or two districts there were such complaints.

166. And a request that the polling officers should be changed ?—Yes, and we changed them.

167. This kind of complaint was received in a larger number in respect of the third election than in respect of the first two ?—In the first election there were very few complaints. I do not think there was much difference between the second and the third.

The Chairman : That might be explained by what appears to be the increasing interest and increasing keenness.

168. *Chaudhri Zafrullah Khan* : I shall put the question direct—whether it is not the Nawab Saheb's experience that candidates appeared to be more satisfied with the arrangements during the first two elections when gazetted officers were in charge than with those at the third election ?—I think there were very few complaints in the first election. As regards the second and third I must say that there were more complaints than in the first election.

169. With regard to election petitions, in answer to a question from Major Attlee, you said that it might be that a good many people did not contest these elections out of fear that perhaps something might be proved against them. Is it not a fact that so far as our electoral rules are concerned here, a disappointed candidate can contest the election of his rival candidate merely for the purpose of having him unseated without any fear of counter charges, because in a petition of that kind no counter charges can be made ?—I think they can be. That man might be disqualified if any charges are proved against him. He will be disqualified for standing for election for five years.

170. Unless there is a claim in the petition that the successful candidate should be unseated and the contesting candidate should be declared elected counter charges cannot be made ?—I think they can be made.

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172. *Raja Narendra Nath*: I think *purdah* is supposed to be a Muslim custom, but you know that Hindus also adopt it?—Yes; specially Kashmiri Pandits.

173. Do other Hindus do it?—Yes, other Hindus too observe it.

174. With regard to the giving up of *purdah*, I suppose it is making some progress even amongst Muhammadans, though slowly?—Very slowly amongst Muhammadans.

175. With regard to the joint electorates, you have had experience of officers supervising elections. For the landholders' seat in the Assembly there is a joint electorate?—Yes.

176. Without reservation of seats?—There is one seat reserved.

177. There is no reservation on communal grounds?—No.

178. Was there any difficulty about conducting those elections?—That was by post.

179. If joint electorates were introduced with reservation of seats for territorial constituencies, do you think there will be trouble in managing them?—It is very difficult to predict so far ahead.

180. You have had experience of elections, and you can very well imagine the condition of things that will prevail. Cannot you give me an answer?—You mean to say about joint electorates?

181. Joint electorates with seats reserved for each community. Do you think there will be difficulty in managing?—From the point of view of an election officer, I do not think so, sir.

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189. *Dr. Narang*: May I just know, Nawab Saheb, whether, when electoral rolls are prepared in urban areas, people get any sort of information that such rolls are being prepared so that they may take care to get their names enrolled?—Yes, we give notice in newspapers.

190. But you do not issue any posters, or post them on the walls in various wards of the city?—Yes, we did it in the case of Lahore and Amritsar.

191. Only in those two places? Not in other towns?—Not in other towns.

192. Is it a fact that honorary magistrates and sub-registrars are also allowed to stand as candidates?—Yes; they are non-officials for purposes of candidature.

193. But would you admit that honorary magistrates in the rural area exercise a great deal of influence in the ilaqa?—Yes, that is why he is appointed.

194. The *raison d'être* for his appointment is that he is a very influential man?—Yes.

195. And if he stands as a candidate, it is likely that his influence will be abused?—All depends upon the candidate.

Dr. Narang: Yes, upon that no doubt, unless he is an angel.

Captain Sikandar Hayat Khan: If an honorary magistrate is related to one of the candidates, he has to relinquish his powers for the time being, and later on he can be re-appointed.

196. *Dr. Narang*: So that his powers are only suspended for the period the election is going on?—Yes.

197. I want to ask you about the rules regarding the acceptance or rejection of nomination papers. Are you aware that different returning officers follow different methods and that there is a lack of uniformity in dealing with nomination papers?—Yes.

198. And as a consequence many election petitions are filed?—Not many, I think one or two election petitions; perhaps one only.

199. In your opinion is it not desirable that some specific instructions should be embodied in the rules or issued by the election commissioner when the time for election comes to secure greater uniformity in this matter?—Yes, it is.

200. In a Hindu joint family, say, where there are four members, the father and three sons, you know they are all equally interested in the property and are joint owners of it unless there is a partition. Is it only the father who gets the vote, or do all the members of the joint family get votes if their property were divided into four parts and each man gets a sufficient share which will qualify him for a vote?—As far as agricultural land is concerned, we look to the entries in the revenue records. If it is a joint family, it bears the name of all those people.

201. It does not present any difficulty in the rural areas, because in the revenue records every one is recorded, although even there in the case of a joint family I would say that it is only the father who is recorded, and it is only after his death that the land is divided in the name of his sons?—Yes.

202. Take the case of an urban Hindu joint family. The property is worth, say, a lakh of rupees, and the owner has three sons. Will all of them be entitled to vote?—Yes, if people come forward and tell us that they are entitled to vote we would register them.

203. The presumption is that in a joint family they are all joint owners?—Yes.

204. Then why do you wait to be told?—If we do not know the names of all those people, then only that arises.

205. They are given the right to vote?—Yes, they are.

206. *The Chairman*: I should like to follow that point. May I just put my question? Let us suppose that you have a piece of agricultural land which is assessed to land revenue at exactly Rs. 25. And let us suppose that this particular piece of land is owned by a joint Hindu family. I gather that they will quite naturally have to be put in the registers where mutations are recorded, and they might not only get down to owner A, but you might have to put it in the name of owners A, B, C, D, and E. If there are five and if you divide 25 by 5 each will only have a fifth. I understand that in that case neither A, nor B, C, D, or E would ever get a vote?—Yes, that is true.

Dr. Narang: As a matter of fact, even in the case of a joint Hindu family it is only the father who is registered.

The Chairman: In the illustration I put nobody will have a vote.

Dr. Narang: They would not be in the register. Only the father will be shown in the register.

The Chairman: The father is the only person shown in the register and he has got one vote as head of the family though the property belongs to a joint Hindu family paying Rs. 25 land assessment.

Dr. Narang: My question was directed to the case of urban areas where there is no record of property held by separate Hindu individuals.

The Chairman: Supposing now we have a property again in the country which is not assessed at Rs. 25, but at Rs. 125. If there are 5 men on the register as joint owners, will each of them have a vote?

Dr. Narang: They ought to have.

The Chairman: What is your point in regard to urban areas?

Dr. Narang: In urban areas there is no such record available. Supposing there is a joint Hindu family owning, say, Rs. 16,000, and there is a father who has three sons. Each of them will have the qualification to vote as owning immovable property worth Rs. 4,000.

The Chairman: You divide 16,000 by 4?

Dr. Naring: Yes.

Lord Burnham: If the name of the father alone is inserted in the case of the land assessment it is to that extent an evasion of the Electoral Rules. He would not be entitled as being a member of a joint family, but only as representing a joint family?

Dr. Narang: I quite appreciate the objection, but that may be counteracted in another way. Because after all it is only a partition that has to determine what is to go to each member. Land may go to one, and some other property may go to another. So the benefit of the doubt should be given to the father.

Lord Burnham: It is an electoral qualification.

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210. With regard to corrupt practices I find that supplying of conveyances is also a corrupt practice under the rules ?—Yes.

211. Do not you think that in the rural areas supplying of conveyances should be expunged from the list of corrupt practices as it is most inconvenient for rural voters to go to the polling booths without any conveyance ?—I would not expunge it. There is some check and if we remove it altogether, the rich people will have it all their own way.

212. It does not mean anything ?—I would not remove it. It would mean a lot.

213. I can understand it in the case of, say, bribing, or giving of food, etc. ?—Even here, if a man could afford it, he would bring his voters easily to the polling booth in a car and take advantage over a comparatively poor candidate.

214. Would you rather see that voters do not exercise their right than that a more resourceful man should bring them to the polling booth ?—Yes, that is what I mean.

215. Though many voters would remain without voting ?—Yes, rather than a man is elected who does not represent his constituency. That would be the result. It may be that one man will be in a position to spend more money.

216. Is it not your experience that " A " goes in the motor car of " X " and votes for " Y " ?—I think they have a sense of honour to some extent.

217. There is no question of honour involved, and that is what very often happens. People go in a motor car or even lorry ?—It may happen.

218. You said twice in the course of your examination-in-chief, if I may so put it, that there is a great dearth of polling officers ?—Yes ; I admit.

219. Supposing universal suffrage is given to the country, you will find it practically impossible to make arrangements for polling ?—Very difficult.

220. Extremely difficult ?—Yes, extremely difficult.

221. Besides this you will also admit that it would be extremely difficult for a candidate to come in personal contact with such a large number of voters if universal suffrage were the rule ?—That will depend upon the size of the constituency.

222. Supposing the present constituencies remain as they are and universal suffrage were introduced, then it is difficult ?—Certainly.

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224. The question was raised as to the identification of women voters and you said identification is necessary. Do you not think that it was really overstating the thing ? Do you not think that the necessity for positive identification arises only when it is challenged ?—Yes.

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235. This memorandum points out that tribal relations play an important part in elections. Is it the case also with regard to the urban areas or is it only in the rural areas ?—It is general in the rural areas ; it may be so to a certain extent in urban areas.

236. Was this relationship playing a greater part in the first council than in the second council ?—There has been an improvement to some extent.

237. It is pointed out in the memorandum that in the Gurdwara Committee elections only 14 per cent. of the electors voted. Is it not a fact that the elections were very keenly contested ?—The figures do not show that.

238. I am not talking of the figures. You know as a matter of fact that the Gurdwara question was a very live question in those days and the Sikh people were very keen about it ?—Yes.

239. Then what is the reason for this low polling ? —I think the condition of weather had something to do with it. The elections were held in June and July, which were the hottest months, and the people were also busy with their crops.

240. There are no crops in July ?—In June there are and in July they go on with their ploughing.

241. Ploughing goes on all the year round ?—There is no ploughing from November till April.

242. July is not a very busy season for the cultivators ?—Fairly busy.

243. Is it not due to the fact that the people below a certain standard—you may call them people at the bottom—do not care to vote ?—I think it depends on canvassing and the initiative taken by the candidate. If there is sufficient canvassing the electors would vote.

244. Below a certain standard the people are illiterate and they may not care to vote. Let me make my point clear. If universal suffrage is given as in the Gurdwara elections, there will be very little personal contact between the candidate and the elector ?—Not necessarily.

245. That has been the result in the Gurdwara elections ?—My view is that it is due to other causes. For instance, we carry out the council elections in November which is a convenient period and in the case of the Gurdwara elections it was the hottest period. This could not be helped as we had to hurry on the elections under the provisions of the act.

246. In the case of female voters if separate arrangements for polling are made, will not the polling improve ?—Yes.

247. *Rai Sahib Chaudhri Chhotu Ram* : In the case of urban constituencies, all the towns comprising the constituency are generally connected by rail ?—Yes.

248. With regard to secret voting, do you think people care very much to keep their votes secret ?—No.

249. Do you not think that the percentage of men who are to keep their votes secret will be very, very low indeed ?—It is very difficult to say.

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252. In the case of illiterate voters, do you not think that if one of the officers who is responsible for marking ballot papers were so minded he could determine the actual result of election ?—No, because the constituency extends over a vast area and there are different presiding officers in different areas.

253. No, what I meant was, if he marked the papers wrongly ?—It would affect the elections ; that is self-evident.

254. In the case of lessees is there any minimum period fixed for which they must vote ?—Three years, I think ; it is in the rules.

255. *Sir Arthur Froom* : On page 50* is shown an increase in the percentage of votes to voters between 1923 and 1926 and the increase is 4 per cent. Is not that so ?—Yes.

256. Would you tell the Conference if, with that increase, it might be reasonable to suppose that the expenses of the candidate would also increase ?—They would.

257. Turning to page 28* I notice that although the increase between 1923 and 1926 in the percentage of votes to voters is 4 per cent., yet the average expense of the candidates has increased by 130 per cent. ?—Yes.

258. Would you be inclined to tell the Conference any deductions you have arrived at from that increase ? Why have the expenses gone up so much ? —I am afraid I am not in a position to answer that.

259. I have only one more question to ask. It is a similar question to that which the Rai Sahib had put. I did not quite catch your reply. You told the Conference that the greater number of electors who go to polling stations are illiterate ?—Yes.

260. There are certain number of voters who though literate, because they get confused at the polling stations also ask the polling officer to mark the voting paper just like the illiterates ?—Yes. My experience is confined to the Lahore town only and that to two polling stations where there were about 1,500 voters. I cannot say for the whole province.

* Vol. X.

261. Let us confine ourselves to the illiterate elector who goes to the polling station and asks the polling officer to mark his paper. Would it be possible, or have any cases come to your knowledge of the polling officer influencing the vote of the elector ?—No.

262. *Sir Hari Singh Gour*: I wish to ask you something about the Legislative Assembly. If you glance through paragraphs 54, 82 and 90 of this book, you will be able to answer my question. Paragraph 90 really sums up the whole thing. It is there stated that comparatively speaking less interest was taken in the elections of the Legislative Assembly than in the case of the council. Do you think you can suggest any means by which greater interest might be taken by the electors and a better type of men secured for the Legislative Assembly ?—Unless you improve the mentality of the electorate, it is very difficult.

263. But there is temptation here of greater power being placed in the hands of the councillors in the local council. Is not that so ?—What power ?

264. The possibility of being ministers.—All the members cannot become ministers.

265. There is the possibility of three of them becoming ministers. Well, do you think that the best type of men come up in elections to the local council ?—It is very difficult to express any opinion on that point.

266. Do you think that our present electoral system secures for the service of the State the best men available both for the local council as well as for the Legislative Assembly, so far as your experience goes ?—It would be saying something against the members of the Council which I would not like to do.

267. You need not have any compunction on that score; you can give free expression to your views because we would like to have your valuable opinion on this matter. (After a pause). I think you are of opinion that the best type of men do not come in.—I think some constituencies have returned very good men.

268. As a rule the best type of men do not offer themselves for election ?—I cannot say that. For instance, men like Lala Lajpat Rai, Dewan Chaman Lal and others have succeeded in the elections to the Assembly.

269. Are the candidates who offer themselves to the legislative council and the Assembly the very best ?—I do not think there is very much difference between candidates in the Council, but I cannot say whether they are the best.

270. Do your elections for the Legislative Assembly and the local council take place simultaneously, i.e. on the same day and at the same time ?—Yes.

271. Do you think that the voters are influenced by religious considerations ? For instance, a man comes up and says " I am a protector of the cow and " will try to prevent its slaughter," or a man says " I am a Maulvi, a preacher, in a mosque and so vote " for me " ?—I do not think I have heard or seen manifestos of that kind.

272. Are the elections then influenced on the basis of any outstanding public question ?—In rural areas, more or less on personal influence.

273. Personal influence and communal ties ?—I will not say that. There are separate electorates for all the communities and so there could be no communal question.

274. Consequently, the communities sending their candidates to the local council will not be influenced by any outstanding public question. Is not that so ?—As I said, personal influence plays an important part.

275. There is no well-defined political programme nor any question put before the electors that " if you " send me to the legislative council, I will do such " and such a thing " ?—I do not remember having seen any such manifesto. I can say this much that the Hindu Sabha scored over the Congress this time.

276. Was it not influenced by communal considerations ?

Raja Narendra Nath: By political considerations in the sense that it is not communal but national.

277. *Sir Hari Singh Gour*: You have said about feeding—supplying of meals. Is it done on the best or on the ordinary scale that would be given to a guest who comes, that is to say, is it merely showing hospitality to the man who has come or are extra large sums of money spent for feeding him with a sumptuous banquet so that he would be better prepared to go and stand at the poll ?—I do not think that any sumptuous feast is given. It is just the ordinary hospitality which a zamindar shows to another zamindar.

278. That is to say the same sort of food is given to him as if he had come without any vote in his pocket ?—Yes.

279. As regards conveyance, you said you were against the provision of the electoral rules because although employment of conveyance is a corrupt practice it is not sufficient to unseat the candidate unless it has materially affected the election. If you are to make this corrupt practice more drastic, that is to say, that if a man employs a hackney carriage or a taxi it would be a corrupt practice and would disqualify him, would it not prevent a very large number of voters from going to the polls ?—It would.

280. So a man who employs a Rolls Royce has a better chance than one who can afford only a Ford car ?—I myself would like to go in the Rolls Royce.

281. Now as regards secrecy, there is a provision in the various provinces of providing coloured boxes. The candidate has a red box, a blue box, a green box or a chocolate box, and absolute secrecy is ensured by giving the voter the ticket with the name " red, blue, green " and so on, so that he can vote for the green man or the blue man; that ensures absolute secrecy. Do you suggest that for the purpose of ensuring greater secrecy, some system like this could be introduced in the Punjab ?—It is impracticable in one respect. You see it depends upon the number of candidates, and in the Punjab we have to deal with three communities, the Hindus, the Muhammadans and the Sikhs, who have to come to the same polling stations. Supposing in the three non-Muhammadan constituencies there are six or seven candidates for the Assembly and many more for the local council. How can you have so many coloured boxes ? It would be impossible.

282. There may be slight variation to obviate that difficulty. Give them coloured voting papers; and give a man a red or blue coloured box.—We have also different colours, white for Muhammadans, blue for Sikhs . . .

283. Not that. White for Mr. A, black for Mr. B, and so on.—That would be impossible because we have not so many colours. Suppose there are thirty candidates who have to poll in the same polling booth, I do not think that you can suggest thirty colours.

284. Do you think it would encourage the candidates to issue manifestos on a larger scale and do better canvassing by means of posters and printed literature if some postal facilities were given to the candidates ? For instance, say, during election time the election literature shall be carried at the book-post rate, or say at half the usual rate ?—Yes.

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288. *Sir Zulfiqar Ali Khan*: With regard to the women voters, do I understand that these Muslim ladies who are in *purdah* will, some of them, get the right to vote ?—Yes. They have the right to vote.

289. Do you think that these ladies as they are accustomed to remain in *purdah* would have the courage to go to the polling stations and hustle their way through the crowd and then record their vote ?—They would not like it.

290. Then the other point that I want to know is this. Has any candidate, or candidates, standing for election any chance of approaching these ladies for the

sake of canvassing ?—Not *purdah* ladies amongst Muhammadans.

291. Would a husband or a brother like a stranger going to a woman for canvassing ?—They would feel awkward.

292. Therefore, do you not think that the loss of such votes to the Muhammadan community would be a serious one ?—I would not like to express any opinion.

293. Then the other point I want to be elaborated is this. I am not wanting any expression of opinion on your part, but I want to help you in the formation of your opinion. You know that the advancement of a country, the political advancement of a country, depends on the harmony prevailing between the different elements of the population. Could you please tell me from your experience of the last two or three elections whether even among the Muhammadan community there has been an abnormal amount of bitterness created between the different candidates belonging to the same religion and community ?—Well, in rural areas there is sometimes bitterness, a good deal of it.

294. *The Chairman* : Bitterness between the rival candidates for the same communal constituency ?—Yes.

295. I think the Nawab Saheb's question was whether you feel the bitterness was abnormal Of course it is difficult to have a standard. Let us put it this way. You think sometimes it has been serious ?—No, I do not think so.

296. *Sir Zulfiqar Ali Khan* : I want to know whether it has led to friction and bitterness or to harmonious relations ?—I do not think it has made much difference.

297. You think two candidates standing in rivalry with one another would have the same friendly relations ?—No, the relations are strained.

298. That is what I wanted to know. Do you not think, Nawab Saheb, when this is the case between the candidates of one religion and community, when there are joint electorates the relations between Hindus and Muhammadans will become more strained ?—Between the candidates, yes.

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300. *Sir Zulfiqar Ali Khan* : With regard to conveyance for voters, you think that a rich candidate may score against a poor one simply because the former can provide conveyances to his voters. But do you not think that during these elections as a matter of fact, in spite of the rules and regulations, the rich candidates have been able to provide conveyances for voters ?—Yes, but it would make matters much worse.

Sir Zulfiqar Ali Khan : It is a mere matter of degree ?

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Dr. Suhrawardy : I wanted to know whether there is any provision in the Punjab Electoral Rules preventing a candidate from having a loan of motor-cars.

The Chairman : Is there any objection to his borrowing from his friends ?

Dr. Narang : No objection.

301. *Dr. Suhrawardy* : You mentioned Diwan Chaman Lal and Lala Lajpat Rai as typical of good candidates ?—I did not say so. I did not want to express any opinion one way or the other.

302. But you mentioned those names ?—Yes.

303. I wanted to find out whether it is a fact that Lala Lajpat Rai was opposed by Diwan Chaman Lal ?—Yes.

304. Could you tell the Conference if there was any outstanding difference between the election manifesto of the two candidates, or whether it was merely personal or communal ?—I think one represented the Congress party and the other represented the Hindu Sabha. But I am not sure.

305. And then it has been suggested to you by Dr. Narang that the abolition of the distinction between two separate electorates would lead to a reduction of the size of the constituencies. Would you kindly tell us which would be more effective for the purpose of reducing the size of a constituency, whether the abolition of separate electorates, or the abolition of the distinction between urban and rural constituencies ? Which in your opinion would be more effective for the purpose ?—Both.

306. I know, but which would be more effective ? —I could not tell you off-hand until I went through the population figures of the various districts.

307. *The Chairman* (to Dr. Suhrawardy) : What do you mean by abolition of the distinction between urban and rural constituencies ?

Dr. Suhrawardy : It was suggested that if the communal electorates were abolished it would facilitate the reduction of the size of constituencies, because one of the objections mentioned by the witness was that there would not be sufficient voters if the territorial size of the constituencies is reduced. And Dr. Narang suggested that if the distinction between the Hindus and Mussalmans, or rather separate electorates is reduced, then it would facilitate reduction in the size of constituencies. My question is if the distinction between urban and rural constituencies is abolished, would it not be more effective for that purpose ?

Dr. Narang : No.

The Chairman : I do not understand the suggestion of abolishing the distinction between rural and urban constituencies. Does it mean that you should not treat a town of ten thousand inhabitants as different from the country-side ?

Dr. Suhrawardy : Now, for example, Dr. Narang, if I am not mistaken, represents an urban constituency, and his constituency is scattered. He has to go to town A, B, C and so on for the purpose of his election. But if the distinction between the urban and rural areas is abolished and the whole area divided into smaller constituencies, it would be more effective for the purpose.

The Chairman : You mean the actual distance between parts of the same constituency will be shortened ?

308. *Dr. Suhrawardy* : Yes. (To the Witness) : I want to ask you about the returning officers. Who are the returning officers in your province ? Are they district officers, broadly speaking ?—For the Assembly generally the commissioners of divisions . . .

309. I am asking about the council ?—The others are extra assistant commissioners, deputy commissioners in some places, revenue assistants, and so on.

310. When they are employed for the purpose of performing the duties of returning officers, can they devote their undivided and exclusive attention to the work, or have they to carry on their duties as district officers as well ?—Yes, they have to carry on their duties.

311. Have there been cases in your province of improper rejection of nomination papers on the ground of mistakes made by returning officers ?—Yes.

312. Is it not a fact that the returning officers have generally to depend upon their clerks and assistants for the purpose of interpretation of the rules ?—No; certainly not.

313. That is not your experience ?—No.

314. As regards female voters, is it not a fact that Muhammadan women do not like the idea of being dragged into court on a charge of false personation ? Nobody would.

315. Is it not a fact that sometimes the candidates or their agents waste the time of their rival by challenging the identity of the voters who appear before them ?—Yes, sometimes.

316. The point is this. When a voter is challenged, his thumb impression is taken. Is that not a fact ?—When he is given a ballot paper.

317. And a Muhammadan woman is most reluctant to allow her thumb impression to be taken by strangers ?—I think so.

318. With reference to a question put to you by Major Attlee as regards the paucity of election

petitions, he suggested that it is probably due to the fact that the defeated candidate and the successful candidate sail in the same boat so far as infringement of the rules is concerned. Is there such a thing as deposit of a thousand rupees which a defeated candidate has to make if he has to submit an election petition ?—It is so.

319. And similarly, if a recrimination petition is filed, the successful candidate also has to do it ?—I do not know. It is not in the rules.

320. As regards corrupt practice in the shape of payment of money to voters or holding out inducements, in your province have cases occurred where candidates have made contributions to some charitable institutions or held out promises of building a mosque or temple ?—Not to my knowledge.

321. I wanted to know whether there was that kind of inducement ?—No ; I do not think so.

322. At the top of page 29 I find it is stated that the lowest expenditure incurred by a candidate was Rs. 1-2-9 ?—Yes.

323. Does this refer to contested elections ?—No.

324. *Captain Sikandar Hayat Khan* : I wanted to ask you about postal constituencies, or voting by post. Were they working satisfactorily ?—Yes.

The Chairman : I wish to thank you, sir, on behalf of the Conference for your extremely useful evidence.

Memorandum from the Judges of the High Court of Judicature at Lahore.

In January last, the Honble. Judges of the High Court at Lahore were asked to submit a note embodying their considered opinion as to the effect of the Reforms on the working of the department of Law and Justice, and in particular an account of the manner in which the working of the Reformed Constitution had acted on the processes of judicial administration. This note was submitted to the local Government with a view to its being embodied in the provincial case which was to be laid before the Indian Statutory Commission.

2. This is the only invitation which has been directly addressed to the High Court to submit its views on the subjects falling within the scope of the Indian Statutory Commission's inquiry. It was limited to the effect of the measure of Reforms already granted and gave no opportunity for an expression of opinion on future changes in the administration. On the 8th March, 1928, however, a public notification was issued inviting the submission of written statements or memoranda both from official and non-official sources on any of the subjects falling within the limits of the Commission's inquiry. These include the classification of subjects as central and provincial, the Courts and the Judiciary, justice in British India and the question of provincial autonomy. As it has been usual in the past for Government to address the Honourable Judges direct on any questions affecting their position or the administration of justice, no action was taken at the time by them on this public invitation.

3. The members of the Indian Statutory Commission are now on the point of returning to India to undertake their inquiry. It has in the meantime been brought to the notice of the Judges that the subject of the Courts and the Judiciary has already received consideration elsewhere ; and a memorandum published in the public press has been submitted to the Commission by the Associated Chambers of Commerce of India and Ceylon, proposing that all High Courts in India should be under the Government of India, both for administration and finance. This being so, the Honble. Judges consider it necessary to submit to the Commission their own views on the future relations of the High Court with Government.

4. The High Court of Judicature at Lahore was constituted on the 1st April, 1919, by Letters Patent of His Majesty the King Emperor issued under the Government of India Act. Before that date there existed a Chief Court constituted under an Act of the Indian Legislature. The position of the High Court in relation to the Government is regulated in many ways by the Government of India Act, and in some details by the Letters Patent themselves. By the Letters Patent, the Honble. the Chief Justice has power to make clerical appointments within the High Court subject to the control of the local Government, but he usually delegates this power to the senior Puisne Judge. By section 107 of the Government of India Act, the High Court has superintendence over subordinate Courts, subject to similar control by the local Government. The powers of the High Court in respect of subordinate Courts are further defined in the Punjab Courts Act. This Act was originally enacted in the days of the Punjab Chief Court ; and although it has been subsequently amended in detail, it may be said that the High Court has inherited the machinery designed to regulate the relations of the Chief Court with the local Government in respect of the subordinate Courts and Judiciary.

5. Permanent Judges of the Court are appointed by His Majesty the King ; Additional Judges by the Governor-General in Council ; and Acting Judges by the local Government. The terms of their appointment are regulated by rules made by the Secretary of State. Other administrative matters affecting the High Court are dealt with by the Home Department of the local Government, while it is understood that important matters directly affecting the Court receive the personal attention of His Excellency the Governor himself. The financial side of such matters is under the control of the Finance Department. Both the Home and the Finance Departments are at present under the control of members of the Executive Council, as reserved subjects. Matters affecting subordinate Courts are treated in the same way.

6. Although these subjects are still reserved, they are liable to discussion in the provincial Legislative Council, provided that they can be introduced without reference to the conduct of the Courts in their judicial capacity. The most usual methods of introducing them are by interpellations as to the appointment of the judiciary and of its establishment, or by moving reductions in the grants for the administration of law and justice on the same points. It may also happen that the local Government, before proceeding with important proposals affecting that department, may sound the views of the Council by a debate on the subject. Specific cases have already been cited in the note submitted on the effect of the Reforms. In this way the Judges in their administrative functions find their proposals and actions exposed to public debate and criticism in the Legislative Council.

7. The relations of the High Court with the local Government as at present constituted have been amicable, and on most subjects both bodies have managed to work in agreement. So far, serious disagreement with the Legislative Council has also been avoided. At the same time, the tone of the criticisms and debates has occasionally been such as to arouse some disquietude in the minds of the Judges with regard to the future position of the High Court. In the event of greater power being granted to the Council and the Ministers, they cannot view with equanimity the possibility of the Council adopting measures designed to harass the Judges in their administrative functions or calculated to lower the efficiency of the judiciary.

8. It has always been a cardinal principle of the administration of British justice that the Courts

should as far as possible be kept aloof from political strife and exigencies. When the Reforms are extended in British India, there will probably arise many questions of importance affecting the constitution and the rights and liberties of the people which will require determination by the highest tribunals of the land. Political parties or political leaders may bring their disputes before the Courts of law, and the decisions of the Courts may not be liked by them. It is essential to the independence and impartial administration of justice that the judicial department should be removed from the influence of the Legislative Council and should not be subjected to attacks by its members. Whatever measures may be designed to secure that the distinction between the administrative and judicial functions of the Judges should not be confused, and that the Judges should not be hampered in the latter by their executive subordination to local Government or the Council, there are indications of the danger of their judicial functions being indirectly hampered by purely party considerations if further powers are granted to the Legislative Council over the judicial department.

9. The Judges consider that it is of the utmost importance that steps should be taken at this stage to secure that the Courts shall not in any way be subject to party influences, political or personal. Powers of appointment, in particular, are liable to affect the independence and efficiency of the judiciary. It will be admitted that a Judge whose appointment rests, not upon his technical qualifications but upon political or party considerations, cannot be wholly independent in the discharge of his judicial duties; and he is apt to mould his views to suit the wishes or the policy of the party or the persons to whom he owes his office. Financial pressure may also be used to indicate displeasure with the independence of the judiciary.

10. The best practicable solution of the problem of securing the judiciary from party interference appears to the Honble. Judges to lie in the suggestion already put forward by the Associated Chambers of Commerce, viz. that all High Courts in India should be placed under the Government of India both for administrative and financial purposes. They are aware that the proposal is not ideal, and is open to certain objections. For example, there will be some loss of personal contact and consultation; but it will still be open to the Government of India to consult the Governors of the provinces concerned. The Judges are of opinion that such disadvantages are small compared with the paramount advantage of removing the Courts from the sphere of local influences.

10. There may also be some difficulty in allotting control over the subordinate Courts of the province if the High Courts are placed under the Government of India. This is a question on which the Judges are not in a position to give definite views until they are aware of the measures of control proposed to be granted to the local Government of the future; but they would invite attention to the example of Bengal, where the subordinate Courts are already under the administrative control of the local Government, while the High Court is under the central Government.

11. The point which the Judges wish to stress is that with any growth of provincial autonomy, steps must be simultaneously taken to guard the independence of the Courts. It is to be observed that in Canada, a self-governing dominion which may provide an example in the advance towards dominion status, the Judges of the Provincial Courts are appointed and paid by the Central Government, and are removable only by the Governor-General on address of both Houses (British North America Act, 1867, sections 96 and 100). It is understood that the experiment has proved successful; whereas in the United States of America, the placing of the Courts, except the Supreme Court, under the local administrations has not been so successful in keeping them away from local influences.

ROYAL ASIATIC SOCIETY OF THE LONDON BRANCH OF THE

KARACHI. *

Dated, 12th November, 1928.

PRESENT:

ALL MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND), AND OF THE BOMBAY PROVINCIAL COMMITTEE.

Mr. E. E. TURNER, Deputy Inspector-General of Police, Sind.

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59. *The Chairman:* Mr. Turner, are you Deputy Inspector-General of Police for Sind ?—Yes.

60. In what year did you join the Indian Police service ?—1902.

61. That would be, no doubt, joining the All-India service ?—Yes, from Home.

62. Were you posted to the Bombay Presidency from the beginning of your service out here ?—Yes.

63. I do not want to go into minute details, but has all your service been in Sind or have you been in other parts of the Bombay Presidency too ?—I have done five years on and off in Sind, and the rest in different parts of the Bombay Presidency.

64. Let us just understand the organisation here. We have heard already, I may say, a witness at Poona, Mr. Griffith, the Inspector-General of Police, who gave us a general account; but I gather that you, as Deputy Inspector-General of Police for Sind, hold a rather special position in view of the special relation of Sind to the whole of the Presidency ?—That is so, yes.

65. What is there special about it as distinguished from that of others who are the immediate lieutenants of the Inspector-General ?—The Deputy Inspector-General of Police in Sind can be delegated certain powers of an Inspector-General, in view of the fact that he is in closer touch with the head of the local administration; that is, the commissioner.

66. Let us be quite clear about this. Do you in the ordinary course report to and get your instructions from the Inspector-General at Bombay, or are you really a separate police administration ?—It is practically a separate police administration. The Inspector-General has no authority with regard to the police in Sind; he is purely an advisory officer for Sind.

67. Let us put it by way of contrast. My recollection is that at Poona we were told that in the Presidency proper (leaving out Sind) there were under the Inspector-General two Deputy Inspectors-General ?—Two Range Deputy Inspectors-General.

68. One in the southern and the other in the northern part ?—Yes.

69. Is their relation to the Inspector-General—to Mr. Griffith—different from your relation to him ?—Yes.

70. You being more completely independent ?—I am directly under the Commissioner in Sind, who is really the head of the Police department in Sind.

71. You see, gentlemen, this really does illustrate the point made by the previous deputation, that Sind is in ordinary administration treated as something rather apart from the rest of the Presidency. Let us have a word about your own subordinates. How do you organise Sind from a police point of view ? How is it divided up ?—Sind is divided up into seven districts, but there are ten charges.

72. Do you mean by districts the ordinary districts for civil administration, or do you mean police districts ?—I am referring to ordinary districts.

73. We know there are seven districts, but from the police point of view how do you divide it up ?—There are seven districts, each with a district superintendent of police. Karachi district has two district superintendents of police, one for Karachi headquarters—that is to say the municipal limit of Karachi—and one for the rest of Karachi district. In addition to that there is one district superintendent of police for the railway, and one for the Criminal Investigation Department.

74. Have you got, then, a separate Criminal Investigation Department for Sind ?—We have.

75. That, again, shows how Sind is rather a thing apart. Then with regard to the recruitment of the rank and file, we were told, I remember, in Poona by Mr. Griffith that in the southern part of the Presidency, the Presidency "properly so called," recruitment was done in the district by the district superintendent of police ?—A similar procedure is followed in Sind.

76. Do you draw a distinction in this part of the Presidency between the armed and the unarmed police ?—Yes.

77. I dare say you know that that differs, apparently, in different parts of India. For example, in the Punjab, where some of us have just been, they pass the whole of their recruits through the armed training, but here you draw a distinction between armed and unarmed, do you ?—Yes.

78. From what section of the population here in Sind do you draw your rank and file for the most part ?—It varies. For the armed police we have to recruit mainly from the Punjab, the armed foot police. For the unarmed foot police we have many Punjabi recruits, together with Sindhis. For the mounted police we try, as far as possible, to recruit from Sindhis.

79. I think this is the first time I have heard a witness speak about the mounted police. What are they mounted on ?—The majority on horses, and a certain number on camels.

80. Is that because of the distances that they may be called upon to go ?—Yes.

81. For the most part are the rank and file of your force literate or illiterate ?—In the armed police they are nearly all illiterate. In the unarmed police they have to possess an educational qualification, which is Fourth Standard vernacular.

82. Do you consider that your policeman, because he has passed the Fourth Standard, is reasonably competent to write and read ?—He can, I think, read and write an ordinary report.

83. There are three questions, and I think only three, which seem to emerge, and I would like to ask you a question about them before others question you. The first question is this. I would like to have your candid opinion and view about the suggestions which are sometimes made of the prevalence of corruption in the police force, that is to say, the receiving of money either as a reward for letting people off, or the receiving of money otherwise than in the course of justice as far as the police are concerned. What do you say is the state of affairs as you know it in Sind ?—Corruption undoubtedly does exist, and I have not yet formed a definite opinion as to whether it has increased in recent years or decreased, but I think I can say that more publicity is given to it in these days, more publicity in the press, and possibly there may be more false accusations.

84. I do not want to go into great detail about it, but I should just like to know, have cases arisen during your administration where it has been possible to deal with a proved case with proper severity ?—During the last four years on an average seven men have been dealt with per year.

85. The second of the three questions I thought we might put to you from the Chair is a very difficult one, concerned with the subject of the proposed

* For evidence taken at Poona, *see* pages 156.

transfer of Law and Order so as to make it one of the subjects of which a minister responsible to the legislature would be in charge.—I think it would be a very dangerous experiment, and would certainly, iu my opinion, be detrimental both to efficiency and discipline.

86. You see, the most cautious way is not in all circumstances the wisest one. It depends. I do not want you to give your answer merely because you are attached to the present way of doing it. What is the danger which you, with your knowledge of the police force, think is the one to be considered by the Conference ?—In connection with transfer ?

87. Yes.—I think that if the police were placed in the hands of a minister who owed his position to an electorate, he would certainly be under the influence of his supporters, and possibly would not be in a position to take an unbiased view of matters. That is my considered opinion.

88. Of course, you realise that in several parts of India the department of Law and Order is administered, and I believe very well administered, in the hands of an Indian Member of an Executive Council ? —Yes.

89. I gather from what you say that your point has nothing to do with whether it is an Indian Member of Council or whether it is a British Member of Council. Your point has to do with the influence which is likely, you think, to be exerted by popular representation ?—That is so.

90. How does it stand at present as regards your superior police officials in Sind ? Have you got in your organisation some officers who are Indian officers ?—We have at present two Indian officers.

91. When you say that, do you mean district superintendents ?—We have one district superintendent of police and one assistant superintendent of police.

92. My third question is this. Never mind about the other arguments, which do not touch you, but so far as regards your own department, the police department of Sind, would it make any material difference, as far as you can see, whether Sind was more completely separated from Bombay and perhaps made a separate province ?—From a police point of view I can see no advantage to be obtained from the separation.

93. But is there, as far as the police point of view is concerned, any disadvantage ?—There would be a disadvantage from separation.

94. Why ?—Well, the only disadvantage that I can see would be that we should have a very small cadre. We should only have fourteen officers with one superior appointment to look forward to.

95. You call it small. There are two in each district ?—I meant, one appointment to Deputy Inspector-General, ten appointments to district superintendent of police, and three assistant superintendents of police.

96. In practice, do the police officers who serve in Sind—not only yourself but your subordinates—in the course of their career see service in other parts of the Presidency ?—Yes.

97. Do you think that is an advantage ?—I think it is a distinct advantage. If you had a small cadre with three or four inefficient officers it would be very difficult to get rid of them.

98. *Lord Burnham* : In the police service, do you think it necessary or not for its efficiency that there should be a European element, as at present, in the higher ranks ?—I think it is essential that there should be.

99. Do you believe that the 50–50 proportion which I believe is fixed under the Lee Report suffices for that purpose ?—Yes.

100. You think you are getting enough ?—Yes, I think so.

101. *Colonel Lane-Fox* : In your position, supposing there was a bad trouble and you wanted the assistance of troops, who would be the person to call them in ? Would you go direct to the commissioner ?—Ordinarily in case of trouble in a district the district superintendent of police would apply for troops through the district magistrate. In case of very sudden emergency he would possibly be justified in calling them in if there was no high magistrate present.

102. Then it would be your duty to see that they were supplied and organised : is that where you come in ?—It would be the duty of the police to report when the matter is out of hand, if the situation is out of hand.

103. But you said the district superintendent would apply direct to the district magistrate ?—He would ask for troops through the district magistrate.

104. He would not have to come to you ; that is what I want to get at ?—No.

105. *Lord Strathcona* : Following up Colonel Lane-Fox's question, if you have trouble in Karachi do you apply yourself ? If you apply for troops, to whom do you apply ?—Are you referring to the executive officer ? I am not an executive officer ; I am an administrative officer for Sind.

106. Take the executive officer in Karachi. If he wants the assistance of troops, to whom does he apply ?—He would ask the district magistrate.

107. And to whom does the district magistrate apply ?—He would apply to the officer commanding the station.

108. *The Chairman* : Of course, you are not an executive officer in the same sense as, for instance, the district magistrate or the district superintendent of police is ?—That is so.

109. If trouble arises in his area it is he who has got to see what is to be done ?—That is so.

110. *Rao Saheb Patil* : You have said that the subject of Law and Order should not be a transferred subject. Supposing it is made so, will you kindly suggest any safeguards in the interests of the State ?—I am not in a position to give an opinion off-hand on that point.

111. Supposing Law and Order is a reserved subject, and it is in charge of the executive council, then you have no objection if the Executive Councillor happens to be an Indian ?—The Executive Councillor being a permanent government official, do you mean ?

112. Yes.—I would have no objection in that case, no.

113. Then if the Minister is given the power of managing this subject of Law and Order, and if he happens to be an impartial man, why should there be any objection to transferring that subject to popular control ?—My point is this, that I would not object to Law and Order being transferred to an Indian who holds a government appointment as a Councillor, but I think that a Minister who is elected and depends for his position as a Minister on his constituency, would be bound to be influenced by his supporters in some way.

114. To push the argument to its logical conclusion, it would come to this, that this subject, according to you, will never be a transferred subject ? —No, I do not say that at all. I am talking of the present situation. I cannot say what will be the situation ten years hence.

115. In a responsible government you have to give chances or opportunities to the Minister to show whether he is in a position to manage his subjects properly or not ?—I would not give a chance so far as Law and Order is concerned.

116. Under what conditions would you hand over ?—I would not hand over in any circumstances at present.

117. *Syed Miran Muhammad Shah* : You have just stated that you recruit the lower grades from the Punjab ?—Mainly.

118. You also said that they are illiterate mostly ? —Yes, for the armed police.

119. I want to know your reasons for recruiting from the Punjab ? Do not you get qualified people in Sind ?—Sindhis will not enlist in the armed police in any numbers.

120. They are unwilling to come forward and be recruited ?—Exactly.

121. Do you recruit on communal grounds also, so as to give a particular community a share in your department ?—No, not in the executive force ; only in the clerical branch.

122. What are the requisites for a candidate for recruitment to a post in the police ? Take the post of sub-inspector as an example. What are the requisite qualifications ?—He must be educationally qualified ; that is to say, he must have passed matriculation or the school leaving examination, he must be of a certain physical standard, and he must be of good character.

123. That is all ?—Those are the main qualifications.

124. Do you also take account of their traditional qualifications, the traditions of their family and the stock from which they are descended ?—That might have some influence.

125. Do not you think these traditional and family qualifications are necessary in the case of riots or robberies or dacoities committed from the western side of Sind or from the Rajputana side, when a spirit of adventure and bravery and manhood are required ?—I do not quite follow the question.

126. I want to call your attention to the peculiarities of Sind. Sind is sometimes attacked by Baluchis from the north-west side and sometimes by Bhils from the Rajputana side. Taking these circumstances into consideration, do not you at the time of recruitment take into consideration the family traditions of a recruit, so that he may be useful in dealing with such matters ?—I have said that the traditions of a candidate's family have a certain amount of influence on his selection.

127. *Sir Arthur Froom* : Do you consider the pay of the lower ranks of your police force (police constables and sepoys) is adequate ?—I think it is.

128. You think they are on a properly-paid basis ? —There is no complaint about the inadequacy of pay.

129. My question arises out of one put by the Chairman. You told the Chairman that unfortunately there was a certain amount of corruption. Would that be because they considered they were inadequately paid, or because they regard the police service as being in some respects an opportunity for making money ?—I consider that in certain cases they do regard service in police as an opportunity of making money, but only in a certain small percentage of cases.

130. I am not suggesting anything against the police force as a whole, but you do not think it is due to the constables and police sepoys being unable to make both ends meet ?—I do not think so.

131. Just one other question, in connection with answers you gave to Colonel Lane-Fox and Lord Strathcona, as to what happens when affairs get out of the control of the police, and the police officer applies to the magistrate for military help. Has that happened frequently in the Bombay presidency or in Sind in recent years ?—It has not happened in Sind of recent years to my knowledge.

132. And in the Bombay presidency ?—Not within recent years, so far as I know.

133. When it does happen, does the police officer have to make a report as to why he wanted troops ? —He would usually, in the ordinary course of events. He would have to state his reasons.

134 *The Chairman* : Do you mean beforehand or afterwards ?

Sir Arthur Froom : Afterwards ?—He would certainly have to afterwards Afterwards he certainly has to make a report on the whole occurrence, and the circumstances in which troops were called in.

135 Presumably the report goes through the district magistrate and possibly up to Army Headquarters. Does the report go in that way ?—It would go through the district magistrate to Government, through the commissioner.

136. The reason I ask these questions is this. The Army is a reserved central subject, and Law and Order is a reserved provincial subject. If Law and Order was transferred, do you think any difficulties would arise between the police, as a transferred provincial department, and the Army, which is under the Central Government ?—I am not in a position to give any opinion on that subject, but I should think that possibly difficulties might arise.

137. *Sir Hari Singh Gour* : You said if Law and Order was transferred to a minister there would be a danger of loss of efficiency and discipline. Is that your apprehension or a deduction based on experience ?—It is my apprehension.

138. Do you know of any case in which a minister of your province, charged with the departments with which they have been entrusted for the last eight years, has given a biased judgment on any point ? —No.

139. What reason have you to believe that if ministers have acquitted themselves as well as they have done in the departments so far transferred, they would not do equally well in the department of Law and Order if it was transferred ?—It is my apprehension only.

140. Fear of the unseen ?—Exactly.

141. Just as a child fears the dark, so you fear something which may occur in the future, that is all ?—Yes.

142. With regard to the police force, do you think that the detection of crime in Sind is sufficiently large ?—It could be improved.

143. Do not you think there has been great popular dissatisfaction against the management of the police here in Sind in recent years ?—On the part of whom ?

144. On the part of the public ?—There has been a great demand for more police.

The Chairman : Will you help me a little ? Evidently you have something in mind. What sort of popular dissatisfaction do you mean ?

145. *Sir Hari Singh Gour* : I am just coming to that. Have you heard of the Rajputanas (Muhammadans) coming into Larkana ?—I have heard of them.

146. Did not they come into Larkana and loot the city in broad daylight, murdering large numbers of Hindus and plundering in broad daylight ?—I do not know the details ; I was not here.

147. *Sir Hari Singh Gour* : And not a single man was brought to book for it ?

The Chairman : I gather from you, Sir Hari Singh Gour, that your view is that there was extremely strong popular feeling about the way the thing was managed ? If it is a fact that there is a very strong popular feeling and the demand that the police should do a particular thing, one can understand this gentleman's anxiety if the authorities who have to decide what the police should do depend on popular feeling.

Sir Hari Singh Gour : The popular feeling is in regard to the non-detection of crime, of a lot of serious crime, in this province, and the Larkana case is a case in point. I mention it because it is a case in point, where the police have failed to detect a very large number of serious crimes committed in this province, so much so that a serious crime committed by a band of a thousand people who looted a whole city in broad daylight and killed numbers of people in broad daylight did not lead to the conviction of anybody.

The Witness : The case was tried and they were all acquitted.

148. They were all acquitted, and consequently not one single man was brought to book, on the ground of insufficient identification ?—Yes.

149. *The Chairman* : I do not follow this. It is not suggested that if there was a change in the administration of the police, people would be found to identify more freely ?

Sir Hari Singh Gour : No, the point is that so far as the popular feeling against the police is concerned there might be an improvement in police

administration if it was placed in the hands of a responsible minister.

150. *The Chairman*: That is quite arguable. It means the suggestion is not that the transfer should take place on the ground that the time has come for an extension of self-government, but that the transfer should take place because the present police force is inefficient, and by a change would be made more efficient ?

Sir Hari Singh Gour: Yes.

Khan Bahadur S. N. Bhutto: I understand the witness has no knowledge of this matter, and my friend Sir Hari Singh Gour is putting questions which are not correct. He ought to ask if the witness knows about it.

151. *The Chairman*: I do not pay any attention to statements of fact in a question, whoever puts it. They have no effect on my mind at all. I am interested only in the answer coming from a witness who knows the circumstances. (To the Witness): Were you in charge at the time ?—No.

The Chairman: Then I think it is better to say so.

152. *Sir Hari Singh Gour*: What percentage of crime reported is ultimately punished in this province ?—I cannot say definitely. Roughly about 40 per cent.

153. *Sir Zulfiqar Ali Khan*: In answer to Sir Hari Singh Gour you said your apprehension was that if Law and Order was not reserved, but was transferred under a minister, the efficiency of the police would go ?—I did not say it would go; I said it would probably be detrimental to the efficiency of the force.

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155. I want to know, having regard to the present position between the communities, whether you think it would be in the interests of public welfare and security of life and property to transfer this subject ?—No, it would not.

156. *Sardar Shivdev Singh Uberoi*: May I know whether the recruitment of the service for Sind is separate from that of the Presidency ?—Yes.

157. You have, of course, superintendents in charge of districts, and you have assistant superintendents and deputy superintendents ?—Yes.

158. May I know how many of the deputy superintendents and assistant superintendents are Indians ?—With one exception, all our deputy superintendents are Indians at present.

159. They come both from the Hindu and Muhammadan communities ?—Yes.

160. In your opinion, are the deputy superintendents working quite satisfactorily in their position of responsibility ?—Yes.

161. *The Chairman*: Will you not ask about the district superintendents also ?

Sardar Shivdev Singh: I understood there was no Indian of that rank.

The Witness: There is one.

162. He should be included in my question. Are he and the deputy superintendents working satisfactorily ?—Yes.

163. With regard to corruption, is it at all in the upper ranks or only among the rank and file ? Does it apply to inspectors or deputy superintendents, or only in the lower ranks to head constables and sepoys ?—In the cases which I have seen in the last four years, the highest officer who has been punished was a sub-inspector.

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KARACHI.

Dated, 13th November, 1928.

PRESENT:

ALL THE MEMBERS OF THE COMMISSION OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND, THE HONBLE. RAJA NAWAB ALI KHAN, NAWAB SIR ZULFIQAR ALI KHAN, AND THE HONBLE. SARDAR BAHADUR SHIVDEV SINGH UBEROI), AND OF THE BOMBAY PROVINCIAL COMMITTEE.

Mr. C. S. C. HARRISON, C.I.E., Chief Engineer, Lloyd Barrage and Canals Construction, Sukkur.

1. *The Chairman*: I think you are Mr. C. S. C. Harrison ?—Yes.

2. And you are the Chief Engineer of the Sukkur Barrage and Canals ?—Yes.

3. And I think have been so since July, 1923 ?—Yes, since its commencement.

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5. Many of us had the opportunity of seeing the Sukkur Barrage the other day, when you and your colleagues showed us that very remarkable work. I would just like to ask one or two questions which deal not with the engineering side, but with those aspects of it which touch the constitutional problem. As we saw, at present the scheme is in the stage of construction ?—Yes.

6. Is it possible to say without inconvenience when you expect that the construction work will be finished ?—The construction will be finished, we hope, in 1934, but we hope to get irrigation started in 1932, that is to say, the outlying portions will take another two years to finish off.

7. When you speak of having completed construction in 1934, does that include the making of the canals as well as the building of the barrage ?—Yes, complete.

8. I do not want to trouble you with the financial side, but I shall be glad to have one large figure if you can give it. By the time the construction work is finished in 1934, in round figures what is the sort of outlay of capital which will have been incurred ?—We expect to spend, according to the revised figures which I have given to Government, 20.03 crores—2,003 lakhs—which is 9 per cent. more than the original estimate.

9. Put it in millions of pounds English ?—Round about £14,000,000 sterling.

10. I think the money has been borrowed, has it not, by the Government of India and then has been lent to the Government of Bombay ?—That is so, at a slightly higher rate of interest than they have to pay in the open market.

11. So of course, while there is a great debt thus incurred, it is one of those debts which, as we hope, is represented by an asset of value, and, we hope, of increasing value ?—Yes, decidedly.

12. Just tell me this from the point of view of the department of Irrigation. Does a great deal depend after the construction is over on the businesslike skill with which the administration of the water is carried out ?—Everything depends upon that. The whole financial success of the scheme, between ruin and success, depends on whether we administer it properly or not.

13. * * * One would have supposed that there were two very essential things in the future; one would be the efficient looking after the canals, the watercourses, and so on, and the other would be the strict and businesslike administration of the sale of the water?—That is so—efficient and impartial distribution of the water, and efficient maintenance of the canals.

14. What is the system which is followed at present? I am not talking about a future constitutional change when you have finished the period of actual engineering construction. Does the Irrigation department keep one set of people to look after the state of the works, and is the collection of water rates in the hands of another set of people, or are both halves of the future administration under the same authority?—Sind differs from Bombay-Deccan in this way, that the Irrigation department are merely the suppliers of the water; that is to say, we have one staff responsible for the maintenance of the canals and the distribution of the water on to the fields, and complaints that come from the zamindars come direct to us, or, if they think they have not had redress they come through the Revenue department and we look into those complaints and remedy water defects or any other points that arise. After that, the actual collection of the revenue is done by the Revenue department, unlike the Bombay-Deccan. When I say the collection, I mean the preparation of assessment papers and the final collection of the money. In the Bombay-Deccan the Irrigation staff prepare the assessment papers and hand these over in detail to the Revenue department, who make the actual monetary collections.

15. Then what you have described as the Deccan method would apply, I suppose, to the Lloyd Dam at Bhatgar which we saw the other day?—Yes, that applies there. I may mention that it is still under consideration as to whether we will adopt a new method for Sind based on the Deccan method, or whether we will have a combination of both, or whether we will adhere to the present regime. There are points in favour of each method.

16. I would like you to develop in another sentence or two, if you would, the striking observation you made when you said that when the construction was finished the whole difference, I think you said, between ruin and success——.—Between success and failure is better. I said ruin and success.

17. —depends on the strictness and efficiency and impartiality of the subsequent administration?—That is so, and if I may mention it, it is a very difficult thing in a country like Sind, far more difficult than it is in the Bombay-Deccan. In the Bombay-Deccan we deal with rather small men; they are not very big landholders considered as individual men, whereas in Sind they are men with very considerable power and very large holdings.

18. You mean the Sind zamindars?—The Sind zamindars, yes. Of course, the majority of the zamindars in Sind, contrary to the general idea, are not the great landholders. There are a greater number of small holders than there are big holders, but there are a sufficient number of really big zamindars to have a very great moral effect on the lower members of the Irrigation staff, and therefore the control has to be looked into with very much greater detail in Sind from that point of view—that is to say, to uphold strict impartiality.

19. Is there going to be, as an outcome of the Sukkur scheme, the disposal of Crown land at the increased price which water facilities would justify?—Well, we hope it will be an increased price. We have got roughly in round figures 1½ million acres of Crown lands at our disposal. Out of that, Government are committed to 3½ lakhs, or 350,000 acres, against which will be set the claims of various rights. One of the rights is fallow forfeit; that is to say, in Sind we have certain fallow rules; land lies fallow for so many years out of so many, and Government have laid down certain periods under which they may not exceed their fallows, and if they exceed those fallows then the zamindar has to pay the rates whether he irrigates or not, but if he fails to pay those rates then the land is forfeited to Government. Well, during the course of years, a large number of years, a certain amount of land has been fallow forfeited, that is, under the fallow rules, and that, according to the zamindars' claims, represents something like 470,000 acres; but after looking into the matter, Government have decided that they will limit their commitments to 3½ lakhs, that is 350,000 acres of land to be given out at concession rates. It was originally intended that this 350,000 acres, or most of it, should be given out to turn artisans on the land, artisans who had failed. There are many dying industries in Sind, and the idea was to put unemployed artisans on the land at concession rates. They are very poor. But with this big demand for fallow forfeit, Government realised that they could not mortgage the whole of their resources in land, and they therefore decided that the total grant that Government would consider at concession rates would not exceed that involved by giving out 350,000 acres; so that we have the fallow forfeit claims merged into the 350,000 acres.

20. Your point is, I gather, that so far as regards that portion of the total area for fallow forfeiture, really the land is earmarked?—Yes.

21. And with regard to the balance, is it hoped to be able to dispose of it at what may be the proper and full price?—That is so. We hope to sell it by auction if it is practicable.

22. Without going into the finance in further detail, just tell me this. According to the present scheme, if by means of strict and efficient administration your hopes come true, what is the period of years which it is calculated will elapse before you have paid off your borrowing?—In the twelfth year after completion we should be in the state of having overtaken the accumulated interest accruing annually and starting to pay our true interest; that is to say, we shall be more than keeping pace with arrears of interest, and shall be starting to give a direct return (over 6 per cent.) on our capital.

23. Then that means to say if that calculation works out in practice right, beginning with the twelfth year or thirteenth year you calculate that your revenue from the work will be not only sufficient to keep down the interest and sinking fund, but also to create an income?—That is so, direct revenue to Government.

24. And how many years after that do you hope by means of a sinking fund to have got rid of the whole capital liability?—All interest. We do not propose to reduce the capital in any way.

25. You will have an asset to represent it?—Yes. Nominally we could have a reduction of capital. It would not be true commercial accounting, because of our sale of lands; if we get the price that we should get from our lands, we should really wipe out the whole of the capital cost of the scheme.

26. But I suppose it would not be good accountancy to take the purchase price of the sale of lands, which is certainly an exceptional receipt, and treat it as though it were one of the ordinary pieces of revenue of the year?—Exactly; and what it is proposed to do now is to credit us with interest on the land sales.

27. We heard the same thing, I may say, in the Punjab, where, if I understand rightly, they treat the proceeds of sale of land as exceptional receipts, and keep them in a separate and special account, and they use it, really, for the purpose of meeting liabilities, with the result, for example, that they have not got to call upon the taxpayer to pay the interest on capital charges. It is carried to an exceptional receipts account.—Yes, it is entirely separate.

28. *Lord Burnham*: Would it for this purpose be deducted in the financial statement? Would the offset moneys received from the sale of lands be deducted and a net amount shown as the cost?—No, we will not do that, because it would be a *reductio ad absurdum*. We should have a project completed at no capital cost at all.

29. Is that a *reductio ad absurdum* ?—I suppose from an accounts point of view it would be. It would however be a very delightful position.

30. *Colonel Lane-Fox* : At present Irrigation is, of course, a reserved subject ?—Yes.

31. If it was transferred, the prospects of more complete Indianisation of the services, I suppose, would be greater ?—Yes, but it is not so much that that we fear ; we fear that it would interfere with the impartial distribution of water. At present, as we stand, a minister cannot, from a political point of view, interfere with the strong position that I claim we have now in getting along with our job. I can put it in this way. Political considerations do interfere with us to a certain extent, even under the present form of government, but if they get to a stage at which they become overbearing, there is the safeguard of the Governor's veto.

32. Whereas if the position were really controlled by a minister responsible to the elected Assembly and a constituency, there would be a big risk that he might be subjected to heavy political pressure ?—I think he would be overpowered.

33. There would be very important people who would be able to have an effect on him ?—I think he would be overpowered.

34. Would not that destroy the whole balance of your scheme ?—Exactly. I have had it from a very high Indian politician that no minister would be able to retain his ministry for more than three months if irrigation became a transferred subject. The pressure on him would be so great that he could not do his duty and retain his portfolio.

35. That applies not only to the Sukkur Barrage but to all other irrigation schemes ?—All major irrigation.

36. I suppose there is also the fact that at the present stage it will be easier for an Englishman to have those matters to control rather than an Indian ? —That is exactly the point. He is in a far more impartial position, a very strong position. That has been put to me in almost those exact words by my own Indian officers.

37. And all that makes a strong case against at this moment transferring irrigation ?—That is so. That is the serious aspect of the case.

38. Am I right in thinking that a minister who had to deal with irrigation would be subject to a double pressure : first of all those who, being politically or socially connected with him, might wish to obtain land on easy terms, might bring pressure to bear, and secondly from those who wish to get a reduction of their water rates ?—Exactly. I would say there would be three kinds of pressure, firstly that individual, domestic pressure of which you spoke; secondly, the political pressure, which would have to be divided into two parts ; in Sind there would be one party, and in the Bombay-Deccan another, whose interests would not coincide with those of the members from Sind because of the difference of religion.

39. Have you heard that is occurring on a big scale in Egypt to-day ?—Yes, I have.

40. So it is reported officially. Would you tell me this, because I am not quite sure. As between the Deccan system and the Sind system of collecting water rates and revenue, is there in practice any difference in having two sets of public services to deal with (revenue and irrigation) or does it work out about level ?—In Sind I consider there is a good deal of overlapping. We have still to go into this matter, because I want to avoid overlapping from the commercial point of view. In Sind, as I have remarked, there is the established Revenue department for the collection of irrigation revenue. They were established originally, of course, for the collection of land revenue, but Sind is so different from the Bombay Presidency ; land revenue in Sind is really irrigation revenue. They collect the irrigation revenue and get one-tenth of it as land revenue. In the Bombay-Deccan it is entirely different ; the Revenue department can come round to the cultivator and collect his land revenue without the man ever having done any irrigation at all, but that cannot be done in Sind except in a few *barani* tracts where there is a little precarious rainfall and a certain amount of cultivation (*barani*) is done under rainfall.

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44. *Lord Strathcona* : I think you said that not only did you disapprove of the transfer of irrigation, but that some of your European and Indian officers did. Have they been actually consulted on the point ?—Yes. We have had meetings in the Presidency proper and in Sind to ascertain their views, and the main point of the Indian officers was that they felt they must have the moral support of the European. They have expressed it in those very words—they feel that they cannot do without the moral support of their European confrere to assist them in their difficult tasks. Success is entirely dependent on the impartial distribution of water, and the word " impartial " is very significant.

45. How have the percentages of the Lee Report worked out in the Public Works department ?—At the present moment we have 58 per cent. Europeans and 42 per cent. Indians, and we have got, under the Lee Report, to work up to 40 per cent. Europeans, 40 per cent. Indians directly recruited and 20 per cent. Indians recruited from the lower service ; i.e. 40 per cent. Europeans and 60 per cent. Indians. At the present moment, the outcry is that we have already reached the limit of reduction of the European element although we are 58 per cent. Europeans and 42 per cent. Indians ; we are constantly being approached by zamindars and Indian members of the legislative council, especially in Sind, to provide more European officers and executive engineers in charge of these irrigation schemes, and we are not able to do it even at the present stage.

46. With regard to the distribution of water, have any experiments been tried in allowing people to distribute their own water ?—Yes. These experiments have actually been tried in the Bombay-Deccan, and an invitation was thrown out to the zamindars of Sind to carry out the same experiment. In the Bombay Presidency proper I think there were three or four cases where the experiment was actually taken up, and in every single case it has failed. In two cases they applied for permission to distribute their water through the village panchayat and never came to any action at all, owing to disagreement amongst the panchayat. In Sind, despite the invitation of Government to form the associations, which do not exist in Sind as in the Deccan, not a single association on that particular line has been formed, neither have we been requested to hand over any channel for the distribution of water by the people themselves.

47. On the whole, would you say that the zamindars and cultivators have assisted Government in securing the equitable distribution of water ?—I am sorry to say we have had no assistance whatsoever, because, human nature being what it is, there has been a policy of grab ever since we have had possession of Sind so far as the distribution of water is concerned ; that is to say, the men at the head of the canals grab all they can, even though those at the tail may starve.

48. *The Chairman* : That is only human nature, after all.—Yes. We have had to try to hold the balance between them. We have met with great opposition, and we have overcome a certain amount of it ; but there is still very great opposition to any attempt of ours to try to get an equitable distribution of water.

49. *Lord Strathcona* : Do you think that, notwithstanding that opposition, you have succeeded in establishing and maintaining a fair distribution ?—I must qualify my answer first, if I may. The conditions on most of the old canals of Sind have militated against an easy and equitable distribution of water. The executive engineer has had to adopt rough and ready methods, but we have advanced this far, that on certain of the better of the older canals we have got what is known as the moduling system, and that gives a proportionate distribution of the

water to everybody concerned. If we are running the canal at full supply, each man will get the full supply to which he is entitled ; if we are running it at half, he will get half. It is a proportionate distribution of water. There has been strenuous opposition to this until, through overcoming some of this opposition, we have been in a position to show the zamindars by actual demonstration that our method is the correct one. The experiment has been most successful in the Eastern Nara tract. Despite opposition, we hope to introduce this method in other tracts. It is most important this should be done from the educative standpoint, because with the barrage distribution of water we *must* adopt the most scientific methods of giving everybody his proper share. We hope to do that by means of the proportionate module.

50. Of course, if this department were transferred recruitment would then become provincial, I presume, and mainly or wholly Indian. Is that one of your reasons for opposing transfer ?—That point has been put before our Indian officers—whether that will mean that the provincial service will be wholly Indianised. I am not in a position to say what the actual result would be but that proposition was put as I have said, to the Indian members, and they said quite openly they did not want it. Only yesterday I had up two more officers and asked them, and they were most emphatic in their expression of opinion that it should be 50/50, which is a stronger proportion of European than that laid down by the Lee Commission.

51. I gather that you regard the charging of adequate water rates as absolutely essential to the success of these schemes. Have you ever tried to work out a scheme of distributing water by volume ? —Yes, it has been tried, but it is not very successful at present, because it is so difficult to get proper volumetric measures at an economical cost. On the theoretical side, although there have been advocates of the volumetric distribution of water, there are just as many, if not more, against that system, and after much consideration we irrigation officers feel that, although it is far from perfect, the method of measurement by crops, i.e. acreage irrigated, is as good as we can at present devise.

52. *Mr. Miller* : I should like to ask a few questions about roads and communications. They have a very important bearing on the development of Sind ?—Yes.

53. Has it been proposed to hand over works such as provincial roads, which are now in charge of the Roads and Buildings branch of the Public Works department to district local boards ?—Yes. It has actually been done in some cases in the Presidency.

54. What has been the result ?—Much to my own disappointment, because I was concerned with the experiment, the roads have all been taken back from one district, and the taking of them back from the other district is under consideration ; in other words, it has been a failure. In Sind we have no real roads at all. Certain so-called provincial roads have been handed over to the district local boards, but I cannot speak of their being kept in proper condition because they have never been in a proper condition.

55. You consider the transfer of such roads to local boards is not justified ?—That is not only my opinion, but I think it is the opinion of all progressive states throughout the world. We have to centralise again in that direction.

56. Is there any hope of local bodies taking over other provincial works of importance in the near future ?—I do not think so ; I think the hope is getting less and less.

57. Why do you think that ?—Do you mean roads as well as buildings ?

58. Yes.—There are many reasons militating against it. One is the difficulty the district local board has in maintaining a high standard of efficiency. It means a terrific amount of keenness on the part of the president. He is, after all, an unpaid servant, as against the paid servant who has, we shall always hope, a conscience.

59. Do you consider the roads in this province are adequate to the needs of Sind ?—No. I have been into that question in connection with the roads in Sind. Certain roads in the Deccan which were adequate a few years ago cannot possibly stand up to modern forms of transport, and in Sind, as I said just now, practically no roads exist at all, except on the map. We have submitted a report to the Bombay Government in the last six months on a proposal to have certain up-to-date main roads in Sind.

60. Do you think the district local boards would be capable of undertaking this work ?—No, I do not.

61. Why ?—For the reason I have given. It requires remorseless energy and high technical knowledge to make the best use of the money available. In the Ahmednagar district I do not think the policy of handing over roads failed necessarily owing to the president of the district local board or his committee, but the fact remains it failed under circumstances which are infinitely more favourable than we shall ever get in Sind.

62. Another reason being, I take it, that there would not be any co-ordinated scheme ?—Exactly so ; that is why we shall have to go back to centralisation.

63. Is it proposed to separate the roads and buildings branch of the Public Works department from the Irrigation branch ?—That proposal has been on the tapis for some years now, but I understand the Bombay Government propose to postpone further consideration until after the report of the present Statutory Commission is out. It was opposed by the members of the service for the reason that it reduces opportunities, and it is opposed by the heads of the service because it reduces the field of experience of their officers.

64. *Rao Bahadur Patil* : Can you give us any idea of the time within which the debt contracted for the construction of the Sukkur Barrage will be repaid with interest ?—I cannot give you the exact figure, but it is round about the twenty-first year. We hope the figures will be even more favourable, because we are now revising our forecast.

65. What is the approximate period ?—Twenty years from the date of starting.

66. *Khan Saheb Abdul Latif* : I suppose you are against the transfer of irrigation for Sind ?—Both in Sind and the Bombay Presidency proper.

67. You include the Deccan also ?—Yes.

68. Can you tell me the reasons for which you are against it in the Deccan ?—For the same reason —political pressure is almost as acute in the Bombay-Deccan as it is in Sind.

69. You know there are no big zamindars in the Deccan, whether of the Muhammadan or any other community ?—That is so, but where you lose in quality you make up in quantity ; there are so many of them.

70. *Syed Miran Muhammad Shah* : Do you object to the transfer of the Irrigation department to an Indian if he is an executive member just as now ?— No, I do not bring the question of personality into it at all.

71. You only mean that it should not be in charge of a minister who might be under public pressure ?— Exactly.

72. I want to know your idea of how far public pressure has entered into the conduct of a minister ? —Well, it has never arisen, because fortunately for irrigation it has never been in the charge of a minister.

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76. Do you propose to construct any other barrage of the size of the Sukkur Barrage ?—I, personally ? I cannot speak for myself, but there are two other schemes that will have to be considered within the next two or three generations—a Barrage at Mithankot and one at Kotri or Jerrak.

77. How long do you think it would take to get that in hand ?—I should think it would be thirty or forty years before we could commit ourselves in any way to either of these schemes, unless we can

get an abnormal price for our land, 1,300,000 acres of land. Then we might be able to start in ten years' less time.

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82. * * * In reply to a question by the Chairman I think you said that money borrowed by the Government of India was lent for irrigation schemes at a slightly higher rate than that paid by the Government of India itself ?—Yes, ½ per cent.

83. Were you complaining about that ?—No.

84. You realise that a Presidency could not borrow money on such favourable terms as the Government of India could borrow money ?—Yes. I put that up myself as a personal expression of opinion in 1923.

85. On the question of funds generally, have you ever known a demand for grants for any irrigation scheme in the Bombay Presidency being refused by the provincial council ?—Well, they have been refused to all intents and purposes, because the opposition has been so great by certain interested parties that Government did not press a division, they withdrew the demands. Government had ultimately to withdraw the demands, though they were actually budgeted and tabled.

86. Can you tell me the reason for the opposition to what is, after all, a most important subject in India ?—The reason I mentioned just now is because of this human failing of the selfish motive of the big zamindars, the vast majority of whom are, from Sind, members of the legislative council.

87. With regard to the transfer of irrigation, you have told us who are opposed to irrigation being transferred. Could you tell us briefly who are in favour of the transfer of irrigation, and why ?—I think most of our enterprising politicians.

88. Can you say why ? Do not answer the question unless you wish to ?—It is the question of power, which is sought by all politicians.

89. Arising out of the question of the European officers for irrigation, would you like the Conference to understand that European officers and Indian officers work in harmony in that department ?—Yes, they work in very close harmony, almost complete harmony.

90. Have you ever heard any complaint from an Indian officer that a superior post is filled by a European which ought to be filled by an Indian ?—Oh, yes, I have heard such but generally they are particular disgruntled cases.

91. Do you find the Indian officer efficient ?—Yes, the Indian officer is efficient from the technical point of view. I have the very greatest respect for the technical knowledge of most of my Indian officers that I have serving under me at the present moment, but their defect, which I cannot hide and I must express, is that they are affected by their surroundings. That is the purely personal point of view; the outside influences that are brought to bear on them hamper their efficiency.

92. Your opinion is that a judicious mixture of the two, European and Indian officers, is the best for irrigation ?—Exactly.

93. And that does not necessarily apply to irrigation only, does it ?—No, not necessarily.

94. You expressed the fear that the great work of the Irrigation department might suffer if irrigation were transferred to an Indian minister responsible to the provincial council ?—Exactly.

95. And for that reason you would prefer that it should not be transferred ?—Exactly.

96. Would your opinion be derived from the fact of the highest officer in charge being an Indian or a European, or merely from the fact that the Indian would be responsible to the provincial legislative council ?—We should have no objection to an Indian being in charge if the subject were not transferred; none whatever.

97. *Sir Hari Singh Gour*: I suppose even enterprising politicians are sufficiently represented in the local council ?—Yes.

98. I take it that what you really mean is that the local council are opposed to the reservation of irrigation ?—The question has never been put to me by a body as represented by the legislative council, but only by certain members who happen to be members of the legislative council, and other individuals who hope to be members of the legislative council.

99. You said that your Indian officers are very good so far as the technical side is concerned, but that they had not the power of resisting outside influences ?—I did not say " had not the power."

100. They are affected by outside influences ?—Yes.

101. Would you not give them a trial so that they may be able to strengthen their character and resist the outside influences ?—The words I have used have been used to me by Indians themselves.

102. Would you give them the chance ?—I would not mind that experiment being carried out on something less important than irrigation, because on questions of irrigation, especially with a scheme of this size, millions of persons are immediately and directly affected.

103. Then do I take it that you confine your remarks to the Sukkur Barrage staff ?—No, my remarks apply to the irrigation staff for the whole Bombay presidency.

104. To enable Indians to get the power to resist outside influences, I want you to put them in the Irrigation department.—Very good, but they cannot be unsupported by Europeans for very many years to come.

105. I do not mind their being supported by Europeans.—Then my further point is that if this experiment is made it is an experiment that is scarcely fair to the general public in a matter of life and death. We are not justified in carrying out such an experiment without very great thought, an experiment of such vital importance to the general populace.

106. You recognise that whether it is a central subject or a reserved subject, the legislative council will have the power to criticise and comment upon and influence Government as regards these subjects ?—Yes. We are in a very happy position at the present moment, and that is why I do not want to see it altered. At present the legislative council have virtual control of most irrigation subjects, but they have not absolute control. The virtual control we are all quite satisfied with.

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113. I am told that the Government of the Punjab want to tap the Indus and its tributaries higher up ?—They want to take a certain amount of water, yes.

114. Have you come to any arrangement with the Punjab Government as to how much they will take and how much they will leave for the use of the Sukkur Barrage ?—The Punjab Government have put in their demands and we have put in our counter-demands, and the matter will eventually come under the consideration of the Irrigation Board.

115. Consequently the question of what amount of water you will get in future depends on the result of the negotiations which are proceeding between yourselves and the Government of the Punjab ?—No, the question at stake is only as to the amount of water we will get in very bad years, and then only for a few days in those very bad years. It is not a question of the failure of the scheme, but of avoiding what might be considerable inconvenience to the Sind cultivator.

116. I think I am right in saying that the amount of water you are able to assure to the people of Sind in future depends on the result of these negotiations ?—Yes, exactly.

117. That is true ?—That is so as regards new projects. We have virtually said to the Punjab, " Hands off all new projects until we can prove that " the water we have is sufficient or not sufficient."

118. *The Chairman*: There is a big project or

scheme or idea for what is called the Thal project; is not that so?

Sir Hari Singh Gour: I am coming to that.

The Chairman: It lies between the Indus and the Jhelum.

119. *Sir Hari Singh Gour*: You have the Punjab Government very anxious to utilise all the flow of water that passes through its land, and if a scheme such as that to which the Chairman has referred is brought into operation it will materially affect the success of the Sukkur Barrage?—If we permit it, yes.

120. You see the uncertainty?—No, there is no uncertainty now the orders of the Secretary of State and the Government of India have been given that until such time as we can prove there is water available the Punjab projects must not be taken in hand.

121. Suppose they get provincial autonomy, and all the powers of the Secretary of State and the Government of India are transferred to the Punjab Government, then your scheme would be imperilled?—And the Bombay Government will then have to exert its influence to abolish provincial autonomy.

122. They will use their good offices with the Government of the Punjab, but the Government of the Punjab might say "This is our water, not yours; hands off!" In that case, your scheme would be jeopardised?—That is on the assumption that each province will fight entirely for itself, without any correlating authority, which for the Irrigation department might easily be the Irrigation Board, a technical board. If the provinces desire to live together in any degree of amity they must decide to abide by the decisions of the Irrigation Board for the whole of India.

Sir Hari Singh Gour: Yes, but they may or may not, you see. It will depend on the attitude of the Punjab Government, influenced as it must be by its legislative council.

123. *The Chairman*: I see your point, and it is a very interesting one, if I may say so, because of course, as you and I and all lawyers know, if the dispute is between two private individuals who are riparian owners you can go to the law courts, and the lower riparian owner can get whatever the right thing is—by injunctions and so on—against the upper riparian owner, and indeed there may even be some States which might do it; I am not at all sure one State in the American Union might not do it against another; but I gather here you cannot have, for instance, the Presidency of Bengal *v.* the Province of the Punjab in some court or other, so really the thing has to be done either by negotiation or by the intervention of some overriding authority. Is not that a fair summary?—Yes.

Sir Hari Singh Gour: Yes.

The Chairman: I am interested in it very much, because, of course, it is right to remember that Lord Curzon, when he appointed the Irrigation Commission, regarded this tremendous subject as in a sense an All-India subject. He did not consider provincial boundaries, and his Commission found various places in India which would be the best places for irrigation schemes.

The Witness: We presume there will be some authority in the future.

The Chairman: It is too early to ask us what will happen; I am only saying that the Conference, I feel sure, appreciates the necessity of some method by which the different claimants to water can get their fair rights, otherwise the man at the top will take away the water from the man at the bottom. Mr. Harrison, we are much obliged to you. Everybody who comes to Sind is so much interested in the subject of the Sukkur Barrage and I am sure all Sindhis are so proud of this great work, that it is of interest to all of us to see one of the engineers responsible for it. Thank you very much.

Note on the financial aspects of the proposed Separation of Sind by Mr. G. WILES, C.I.E., Secretary to the Government of Bombay, Finance Department, dated 15th October, 1928.

This note deals solely with the financial aspect of the question, and neglects consideration of the difficulty of administering so small a unit in the matters of recruitment of establishments, sudden falls of revenue, high overhead charges and the like, and any political considerations.

The accounts of Sind are not kept separately. But so far as provincial revenue and expenditure are concerned, it is known that Sind had always been a deficit province before the Reforms. The actual figures of receipts and disbursements made in Sind have been gathered for the years 1921–25, and this note is based on those. Up-to-date figures are being collected and will be submitted in continuation of this note. There is reason to believe that they will not modify the conclusions arrived at.

2. The statements attached to this note show that since the introduction of the Reforms, Sind has failed to pay its way, the average deficit being some 25 lakhs. This figure excludes any contribution on account of the cost of the administration other than that of officers stationed in Sind. The statements are made up simply of the receipts and disbursements of the Sind treasuries as modified by certain annual adjustments. In considering the financial effect of the separation of Sind, therefore, the full cost of head-quarter staffs must be added to the cost of administration.

3. There is reason to believe that the deficit on the administration of Sind is larger to-day than it was in 1925. Net Land Revenue (including Irrigation), Stamps and Excise, which are the chief sources of Revenue in Sind, have shown no increase since that year; on the other hand the remission of the Provincial Contribution and the reduction of the Famine Assignment have set free for expenditure a sum of about a crore. Sind has not only had a subsidy from revenues of 10 lakhs a year towards the construction costs of the Barrage, but has also had its share in this expansion, and it is clear, therefore, that the excess of expenditure over receipts must have increased. The *prima facie* conclusion is confirmed by figures published by Prof. Chablani, a copy of which is attached. Prof. Chablani was given access to the Accountant-General's records, and his statement will shortly be checked by official figures. His total of revenue for 1927–28 is 174 lakhs and of expenditure (debited to revenue) 238 lakhs, making a deficit of 64 lakhs. There is no reason to doubt that a separated Sind will have to start off with a deficit of approximately this amount.

4. The additional cost of maintaining head-quarter establishments cannot be easily ascertained. If we follow the Assam precedent, we may put it at about 9 lakhs. This figure may be roughly confirmed by the method of expenditure ratio. On the proportion of expenditure in the Presidency to Sind, a sum of about 6 lakhs would be required for a Governor's Staff, Legislative Council and Secretariat. To this must be added the cost of Heads of Departments—Registration and Settlement, Forests, Agriculture, Excise, Jails, Medical and so on. Moreover, the proportionate cost of administering a small province must inevitably be somewhat greater. Nine lakhs then may be taken as a conservative estimate.

5. No consideration has yet been taken of Sind's share in the capital commitments of the Presidency. Professor Chablani has argued that Sind cannot in equity refuse to take over its share of the public debt of the Presidency. This is a contentious point with which I need not deal in this note. I will include only interest on capital expenditure made in Sind. Interest on irrigation debt (excluding the Barrage) is included already in the figures of expenditure under the head "14 Interest." There remains therefore capital expenditure on other purposes, viz. Civil Works, Public Health and other works. This has amounted since 1921 to the sum of 107 lakhs; the interest charges on which are 5·85 lakhs; and some provision would be required for the repayment of principal (over a 30 years' period).

6. Sind would also have to take its share in the pre-reform debt on account of the Provincial loan account. At the end of the year the outstanding Provincial debt will be about 102 lakhs and the interest charges are at $4\frac{3}{4}\%$. In the absence of details we may assume that one-fourth of the debt is on account of Sind. The debt is being repaid (under the Devolution Rules) by annual instalments of 29 lakhs. This means a payment from Sind of roughly 8 lakhs for $3\frac{1}{2}$ years.

7. The introduction of perennial irrigation into Sind by means of the Sukkur Barrage is necessitating the creation of two new administrative districts in the immediate future. The cost has been roughly estimated at Rs. 6 lakhs recurring and Rs. 10 lakhs non-recurring.

8. A separated Sind then must suffer under the initial heavy handicap of a deficit, which, based on figures of the years 1921–25, cannot well be less than 50 lakhs, and based on more recent figures is expected to be as large as 80 to 90 lakhs. To meet this deficit, Sind has no greater prospect in the immediate future of additional revenue than has the rest of the Province. That is to say, any help from a revision of the Provincial settlement must depend on future surpluses of the Government of India. Sind is not an industrial province, and could not therefore benefit to any extent from the revision that we hope for in favour of the industrial provinces. Apart from fresh taxation, Sind could therefore only rely on the general increase in such revenues as Excise and Stamps due to an advance in prosperity and population, and to the additional revenue expected from the Sukkur Barrage. Now the receipts from sales of land and the additional Land Revenue estimated from the supply of water are fully mortgaged for many years to meet the debt being incurred in the construction of the barrage. It must under the most favourable circumstances be at least 20 years before any surplus receipts can be available for the general purposes of the administration.

9. The conclusion which this enquiry must therefore arrive at is this, that not for a generation at least could a separated Sind financially stand on its own legs.

13 *November*, 1928.] NOTE ON THE FINANCIAL ASPECTS OF THE PROPOSED SEPARATION OF SIND BY MR. G. WILES, C.I.E., SECRETARY TO THE GOVERNMENT OF BOMBAY, FINANCE DEPARTMENT, DATED 15th OCTOBER, 1928. [*Continued.*

STATEMENT OF PROVINCIAL RECEIPTS IN SIND FOR THE YEARS 1921–22 TO 1924–25.
(Figures in lakhs of rupees.)

	1921–22.	1922–23.	1923–24.	1924–25.
V—Land Revenue	*144·2	83·5	72·1	62·0
VI—Excise	31·0	35·5	40·3	39·1
VII—Stamps	16·0	19·4	20·2	19·8
VIII—Forests	8·0	6·2	6·3	6·9
IX—Registration	1·8	1·6	1·5	1·5
IXA—Scheduled Taxes	—	—	0·2	0·6
XIII—Works for which Capital Accounts are kept	1·1	36·5	39·3	39·2
XIV—Works for which no Capital Accounts are kept	0·5	0·5	0·1	0·1
XVI—Interest	1·7	3·6	2·7	1·8
XVII—Administration of Justice	1·5	2·1	1·9	1·8
XVIII—Jails and Convict Settlements	0·8	0·8	1·0	1·2
XIX—Police	0·2	0·3	0·2	0·4
XXI—Education	0·7	1·0	1·0	1·5
XXII—Medical	0·2	0·4	0·4	0·3
XXIII—Public Health	—	0·1	0·1	0·2
XXIV—Agriculture	0·4	0·4	0·7	0·7
XXVI—Miscellaneous Departments	0·1	—	0·1	0·1
XXX—Civil Works	0·5	0·9	0·7	0·9
XXXIII—Receipts in aid of Superannuation	1·4	1·7	2·1	2·0
XXXIV—Stationery and Printing	0·2	0·2	0·3	0·3
XXXV—Miscellaneous	0·2	0·3	0·8	0·3
TOTALS	210·5	195·5	192·0	180·7

STATEMENT OF PROVINCIAL EXPENDITURE IN SIND FOR THE YEARS 1921–22 TO 1924–25.
(Figures in lakhs of rupees.)

Major Heads.	1921–22.	1922–23.	1923–24.	1924–25.
Ordinary Expenditure.				
5—Land Revenue	23·0	40·1	39·2	13·8
6—Excise	2·5	1·3	1·3	1·9
7—Stamps	0·7	0·9	0·8	0·7
8—Forest	4·2	3·5	3·6	4·1
9—Registration	0·8	1·0	0·9	0·9
14—Works for which Capital Accounts are kept—Interest on debt	11·4	12·9	16·2	21·5
15—Miscellaneous Irrigation Expenditure	38·2	23·1	13·5	23·1
22—General Administration	14·3	20·7	19·6	44·8
24—Administration of Justice	10·0	9·6	10·0	11·5
25—Jails and Convict Settlements	6·3	5·9	5·2	5·9
26—Police	40·8	36·1	35·1	36·0
27—Ports and Pilotage	0·1	0·1	0·1	0·3
31—Education	23·4	23·0	26·6	23·8
32—Medical	5·9	4·6	5·3	5·3
33—Public Health	3·1	3·5	2·9	2·9
34—Agriculture	3·5	3·3	3·3	3·4
37—Miscellaneous Departments	0·3	0·3	0·3	0·3
41—Civil Works	22·2	10·4	6·5	8·0
45—Superannuation Allowances and Pensions	5·9	6·1	6·9	7·1
46—Stationery and Printing	1·2	1·3	0·9	1·0
47—Miscellaneous	1·5	1·3	4·0	5·2
TOTALS	244·4	209·0	202·2	221·5
Capital Expenditure.				
55—Construction of Irrigation Works	5·6	19·1	51·5	124·0
56A—Capital Outlay on Improvement in Public Health	—	5·3	0·5	—
60—Civil Works not charged to Revenue	—	7·1	5·5	12·2
GRAND TOTALS	250·0	240·5	259·7	357·7

* Inclusive of "Portion of Land Revenue due to "Irrigation," which is shown in subsequent years under head "XIII."

PROVISIONAL RECEIPTS IN SIND.
(Figures in lakhs of rupees.)

V—Land Revenue	67·1
VI—Excise	38·7
VII—Stamps	19·2
VIII—Forests	7·1
IX—Registration	1·6
IXA—Scheduled Taxes	0·5
XIII—Works for which Capital Accounts are kept	28·1
XIV—Works for which no Capital Accounts are kept	0·3
XVI—Interest	1·3
XVII—Administration of Justice	2·1
XVIII—Jails and Convict Settlements	0·8
XIX—Police	0·6
XXI—Education	1·3
XXII—Medical	1·2
XXIII—Public Health	0·1
XXIV—Agriculture	0·5
XXVI—Miscellaneous Departments	0·1
XXX—Civil Works	0·9
XXXIII—Receipts in aid of Superannuation	1·9
XXV—Miscellaneous	0·5
TOTAL	174·3

PROVINCIAL EXPENDITURE IN SIND.
(Figures in lakhs of rupees).

5—Land Revenue		14·03
6—Excise		3·30
7—Stamps		0·70
8—Forests		3·90
8A—Forests		0·03
9—Registration		0·88
XIII—Irrigation : Working Expenses		—
14—Works for which Capital Accounts are kept—Interest on Debt (excluding Sukkur Barrage).		15·46
15—Miscellaneous Irrigation Expenditure		24·00
22—General Administration		44·56
24—Administration of Justice		11·57
25—Jails and Convict Settlements		6·23
26—Police		36·06
27—Ports and Pilotage		0·12
31—Education		27·70
32—Medical		6·73
33—Public Health		2·30
34—Agriculture		4·70
37—Miscellaneous Departments		0·30
41—Civil Works		11·10
43—Famine Relief		2·31
45—Superannuation Allowances and Pensions		7·60
46—Stationery and Printing		0·96
47—Miscellaneous		4·15
55—Construction of Irrigation Works		234·00
16—Financed from Famine Insurance Grant toward Interest on Barrage	10·00	
*Sukkur Barrage	221·73	
Other Irrigation Productive Works	1·50	
Do. do. Unproductive Works	0·77	
60—Civil Works not charged to Revenue		6·63
60B—Commutation of Pensions		0·87
TOTAL		470·19

* NOTE.—Includes 25 lakhs Interest on Barrage Capital.

PESHAWAR.

Dated, 20th November, 1928.

PRESENT:

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND), MAJOR NAWAB AHMAD NAWAZ KHAN, THE HON. MAJOR NAWAB MOHOMED AKBAR KHAN, NAWAB SIR SAHIBZADA ABDUL QAIYUM, AND RAI BAHADUR KARAM CHAND.

Mr. F. C. ISEMONGER, Inspector-General of Police, North-West Frontier Province.

1. *The Chairman*: Mr. F. C. Isemonger, you are the Inspector-General of Police in the North-West Frontier Province ?—Yes.

2. For how long have you been Inspector-General here ?—Since the end of 1925.

3. Where was your previous service ?—My previous service was in the Punjab.

4. You are, of course, an All-India officer ?—Yes.

5. You entered the Indian Police service at the beginning of your career, and you are now Inspector-General of Police in this province ?—Yes.

6. Please tell us this, so that we may get it on the note and be clear about it. When one speaks of being Inspector-General of Police in the North-West Frontier Province, does that mean in the area comprising the five settled districts, or does it include the tribal tracts ?—It includes only the area of the five settled districts.

7. Then, as I follow it, so far as there is control in the interests of law and order beyond the five settled districts, in the tribal tracts, that is a matter for the political agency—do you call it ?—Yes, the political agency.

8. And the khassadars one sees when driving up the Kyber road ?—Yes.

9. It has nothing to do with you. In each of these five settled districts is there an officer under you responsible for the district ?—Yes, a superintendent of police.

10. I gather you do not use the term " district superintendent of police " here; you call him a superintendent of police ?—Yes, in this province.

11. There is one in each district ?—Yes.

12. At present are any of those five officers Indians? —There was an Indian officer, but he has been transferred for service in the Constabulary at the moment. He is on our cadre.

13. So if one had been here a short time back, one would have said four of them were British officers and one was an Indian officer ?—One was an Indian officer, yes.

14. Was he promoted from the provincial service ? —Yes.

15. What is the size of the force of police under your control ?—The police force is 6,000 strong.

16. A little arithmetic is useful. What is the population of the five districts ?—Two and a quarter millions.

17. That means, roughly, there is one policeman for every 375 inhabitants ?—Yes.

18. I should like to get it in terms of area also, because, of course, we have had these figures elsewhere in India. I think the area of the five districts is 13,500 square miles ?—Yes.

19. So that gives you a policeman to every two and a quarter square miles ?—Yes, that is correct.

20. How is your police force recruited ?—We recruit a large percentage in this province and a certain percentage from the Punjab. We have been endeavouring to get a number of Hindu recruits for duties in the cities and cantonments, and for those we are chiefly dependent on recruitment in the Punjab. The remainder are recruited from the neighbouring districts of Mianwali and Campbellpur, or from districts within this province.

21. Are the whole of the recruits put through a training with arms ?—Yes.

22. One question about the education of the force. Can you give me a figure to tell me what proportion of your force is literate ?—I think it is about 28 per cent.—27 or 28 per cent. Then, when we get our recruits into the lines, we endeavour to teach them elementary reading, writing and arithmetic, to be able to read signs, numbers on cars and so on. It is not literacy, but it is the beginning of it.

23. I think we had better have a few statistics about crime. Can you give me any figure, say, for the last ten years, giving the average number of crimes which came under the notice of the police ? I think you call them " true cases " ?—Yes. The average number of true cases of murder has been something over 500 cases a year. Last year there were 514 true cases of murder. That does not include attempts at murder, of which there were about 150 cases.

24. I have some figures in front of me which you gave me before coming into the room: murder, 514 true cases; attempted murder, 143 ?—Yes.

25. I might add one or two other figures: dacoities, 56 true cases ?—Yes.

26. Robberies, 101 true cases ?—Yes.

27. Burglaries, 1,052 true cases ?—Yes. There are about two cases of burglary to every case of murder.

28. May I, as an antiquated lawyer who is rapidly forgetting all about it, inquire whether " burglary " in this country necessarily means entering a dwelling at night ?—There are two forms: burglary by night and burglary by day.

29. In England " burglary by day " would be a misnomer; we call it housebreaking. Burglary, according to the old English law, is always a night crime, but here it is day and night ?—The correct terms are housebreaking and housebreaking by night; I am afraid I have made a loose use of the word burglary.

30. Do not think I am complaining; but the 1,052 are by day and by night ?—Yes, but the majority would be by night; the number of cases by day is very small.

31. What do you mean when you speak of these figures as being figures of " true cases " ?—We keep statistics also of the number of cases reported to the police, to the police stations; but when investigation shows that reports are due to a mistake of fact or are maliciously false, those cases are eliminated, and for the purpose of statistics we deal with the true cases.

32. It means instances in which the police, after inquiry, are fairly well satisfied that the crime was really committed ?—Yes.

33. But of course it does not necessarily mean cases in which the criminal was caught or was convicted ?—No.

34. As a matter of fact, can you tell me out of some total or other what is the sort of percentage of true cases that can be investigated and brought to trial ?—I have the figures here. So far as murder cases are concerned, last year 99 cases were convicted by judicial courts; 75 cases were acquitted by judicial courts; 170 cases were convicted by *jirgas*,

and 55 cases were sent up to *jirgas* and acquitted; the balance—115 cases of murder—were not detected or apprehended.

35. That gives a very good picture, I think. There is one thing I should like to know about that. I caught you saying that cases were sent up to the *jirgas*. In this province is there a practice by which some charges of crime are sent to a *jirga* to be investigated ?—Yes, to be investigated and tried; the procedure is adopted when it is impossible, owing to the intimidation of witnesses, or to strong local influence, for the police to elucidate the true facts and to take action under the provisions of the ordinary law. It frequently happens that in a case of murder, before a report is made to the authorities, the relatives will prepare a case for the police. They will prepare evidence against their personal enemies and endeavour to inculpate them in this offence. They will produce their witnesses and have a case ready for the police to investigate. If a case of that sort, supported with evidence that is clearly false, were sent to a court for judicial trial, it would inevitably end in acquittal. It is better to get such a case placed before a Council of Elders, who sift the evidence placed before them and submit their conclusions to the district magistrate, who finally passes orders.

36. That means to say, either confirming or varying the recommendation of the *jirga* ?—Yes.

37. This is very interesting. When you say the relatives prepare a case, do you mean the relatives of the accused prepare a case, knowing that it will break down ?—No, the relatives of the murdered person will prepare a case in order to incriminate their enemies.

38. In order to inculpate somebody who is accused ?—To inculpate some personal enemies who they think are likely to have been concerned in the murder or who they would like the police to believe were concerned in the murder.

39. When there seems to be a true case of murder, who decides whether the question of whether there was a murder, and if so, who committed it, shall be remitted to a *jirga* ?—Or to the court, you mean ? The police submit their investigation to the district magistrate.

40. And the district magistrate—— ?—Decides whether the case is one for submission to a *jirga* or to a district court.

41. We recognise the difference between your duties and judicial functions, but I do not think it is carrying you out of your province to ask you this. Are you fairly well satisfied with the way the *jirgas* here do their work ?—Yes, I think so, on the whole. In cases tried by a *jirga* the extreme penalty is never enforced; they cannot pass a sentence of death.

42. What is it ? Seven years' rigorous imprisonment ?—Up to fourteen years. The powers of punishment in a case of that sort are limited.

43. Apart altogether from your police force, I think there is, is not there, another organised body called the Frontier Constabulary ?—Yes.

44. Who is the administrative head of the Frontier Constabulary ?—A commandant—a police officer.

45. Is he under the Chief Commissioner ?—He works directly under the Chief Commissioner.

46. What is the size of the force of the Frontier Constabulary here ?—Approximately 5,000 officers and men.

47. Do I understand rightly that it is what one might call an allied service ?—Yes.

48. An allied service with your own. Let us follow what it does. What is the main object served by the Frontier constabulary ?—Their main duty is to guard the border, to prevent the incursion of outlaws, to close the border when raiders come into the districts and prevent their escape, and to work in that way in close co-operation with the police; to collect political information from areas either across the border or just within the district which is of importance as affecting the peace of the district, and to communicate that to the deputy commissioner.

49. When you speak of the "border," I imagine you mean the boundary line between the districts and the tribal area ?—Yes, the boundary of the British districts.

50. When the Commission motored out the other day to Landi Kotal it passed this boundary line soon after leaving Peshawar, before getting to Jamrud ?—Yes, one and a half miles short of Jamrud.

51. To make it entirely clear, of course the khassadars who are organised by the political agents in the tribal area are quite separate ?—Entirely independent.

52. And they deal with the tribal areas ?—Yes.

53. How is the Frontier Constabulary recruited ?—They are recruited from this province and from tribes in the tribal areas just across the border. There is a percentage fixed for recruitment.

54. One question about Indianisation, and then I will leave the matter. What is the rate of Indianisation laid down for the Indian Police service in the North-West Frontier Province according to the Lee Commission ?—We are working to 25 per cent. Indians.

55. As my colleagues remember, the percentage is different in different parts of India. Down in Madras it would be a very much bigger percentage—25 per cent. by the date which is fixed, whatever it is ?—Yes.

56. We have asked elsewhere the Inspector-General of Police to tell us in a sentence frankly what his view is as to the prevalence or absence of corruption in the force under him. Could you give us your own view of that ?—Yes, sir. Corruption, I think, exists in every department throughout the country. I do not think it exists more in the police than it does elsewhere, very often not to the same extent. We do our best to keep it down, and whenever a case of irregularity occurs we are very prompt in taking it up. In reviewing the annual report of the administration of the police in the Punjab last year the Punjab Government stated that as regards corruption and departmental indiscipline the supervising agency in the Police have a record for vigilance, prompt investigation and effective punishment, to which no department of Government can offer a parallel.

57. You are evidently quoting ?—I am quoting an extract from the Punjab Government's review of the police administration in the Punjab.

58. Is that an annual document ?—Yes, a report of the administration of the police is published every year in regard to the crime existing in each province, the working of the police, and matters of police interest.

59. It would be Mr. Stead's document, probably ?—Yes, Mr. Stead's, but the principles which are followed in the Punjab are followed up here. We form part of the same cadre; our officers are interchanged with the Punjab, and we carry on the same procedure as in the Punjab as far as possible.

* * * * * * * * *

60. *Lord Strathcona*: Does your experience lead you to believe that some amendment of the Frontier Crimes Regulation is essential, as was recommended in the Bray Report ?*—May I get that clear. Do you mean to say the use of the Frontier Crimes Regulation ?

61. I think they referred more to the excessive use of the *jirga*, and also having a different system of justice in the towns as opposed to the country ?—There are two matters for which we use the Frontier Crimes Regulation, the reference of certain cases to *jirga* and the placing of people on security under the Frontier Crimes Regulation to prevent bloodshed in pursuance of blood feuds and serious disorder. In regard to both those matters, very strict orders have been issued. We refrain as far as possible from referring cases to *jirga*, as it is the duty of the police first of all to obtain evidence and put their cases in court if possible. It is only in the last

* Report of the North-West Frontier Enquiry Committee, 1922.

resort that cases are sent to *jirga*. As regards placing people on security under the Frontier Crimes Regulation, where it is possible to take action under the ordinary forms of law, such procedure is followed. It is only in order to prevent wholesale murder or bloodshed that recourse is had to the other Regulation, to prevent the carrying out of blood feuds, for instance, or to prevent an outbreak of violence. We are trying to keep the figures down, but, in my opinion, the continuance of the Frontier Crimes Regulation is absolutely necessary up here.

62. Would you favour an amendment so far as the question of the *jirga* system in the urban districts is concerned ?—In urban areas, yes.

63. That was recommended by the Bray Report ? —Yes.

63A. *Lord Burnham*: It may be useful, in order to get the actual sentence on the report, if I read from page 27 of the Bray Majority Report, line 3 and the following lines: "To repeal"—they are speaking here of the Frontier Crimes Regulation— "its civil sections would be to inflict great hard- "ship on the Pathans, who rely on them for a cheap "and expeditious settlement of their disputes by a "*jirga*—the Pathan panchayat—according to their "ancient tribal custom. To repeal the criminal "sections would be to undermine the forces of law "and order and to deprive the Hindus in particular "of one of their greatest safeguards in a land where "passions are hot, blood feuds are endemic, legal "evidence is exceedingly difficult to obtain, and "refuge from the arm of the law is close to hand "across the border. To repeal the trans-frontier "sections would be to paralyse our whole system of "trans-frontier control. Indeed, the validity of "one or other of these provisions was admitted under "questioning by nearly every critic of the Regula- "tion, however loudly he had called for its repeal." Do you agree with that ?—Yes, I agree.

64. You have nothing to add to that ?—No.

65. Would you allow me to ask you whether, in your opinion, you consider it necessary to maintain the present proportion of European requirement for your force for the good conduct and efficiency of the police ?—Yes.

66. You do not recommend any change in that respect ?—No, I recommend no change.

67. And you would deprecate any change ?— Yes.

68. We have to do with finance, but I am not asking your view at all from the financial point of view. Could you give us a rough estimate of what amount of the police duty which your force performs is connected with the military side of this province, the cantonment areas and associated matters, and how much of your police duty is due, therefore, to the necessity of the army being kept here for the defence of India ?—Does the presence of the troops impose extra duties upon us ? Is that the question ?

69. Yes, that is the question.—Well, the existence of cantonments up here with a large number of women and children necessitates greater supervision, greater efforts to prevent the entry of undesirables into cantonments and strict measures of protection. We have, as you know, round Peshawar, Bannu and Kohat a barbed-wire perimeter to prevent the ingress of criminals into cantonments at night. Approximately two-thirds of that area is patrolled by police from the evening time to early morning. We also employ patrols during the day to look out for people coming into cantonment areas. We are constantly checking the *serais* to see who comes in and who goes out. All those duties are necessarily imposed in consequence of having a large cantonment area to protect.

70. It follows, therefore, does it not, that a large part of the cost of the maintenance of the police is directly due to the maintenance of the military in this province—substantially, if you like ? I am not asking you for figures, because, of course, you are not a financial expert.—Yes, the fact that we have large cantonments here does impose extra duties, and means the maintenance of a large force of police in our cantonments for their protection.

71. *The Chairman*: * * * The cost of the North-West Frontier Police is given * * * as 29 lakhs, and the cost of the Frontier constabulary in round figures at 12½ lakhs ?—Yes.

72. *Colonel Lane-Fox*: Do you recruit for the police from over the boundary, from the tribal area ?—No, practically not at all. We recruit a few Afridis, but as a rule for police duties we recruit within the province or from the Punjab. It is not a very safe thing to do to recruit from tribal areas and bring them into the towns, and for that reason we do not do it.

73. *Mr. Hartshorn*: Did not I understand you to say that for the purposes of the Frontier Constabulary you recruited from over the border ?—Yes, there are different rules relating to the constabulary. Their services are mainly on the border.

74. It is a service apart from yours ?—Yes.

75. *Colonel Lane-Fox*: For the constabulary, but not for the police ?—The rules of recruitment for the constabulary differ from those of the police because the duties of the former lie on the border, and they collect political information from the other side. Consequently the constabulary recruit the men who are able to be most useful for their work.

76. *Major Attlee*: Could you tell me in your experience has there been an improvement in crime during your service here ?—On the Frontier ?

77. Yes ?—Yes, I think there is a very considerable improvement up here. Kidnapping, for instance, has largely disappeared. Police work has improved. We get more cases into court; more convictions. There is greater peace. People can travel on many of the roads at night where only a few years ago they were unable to travel without an escort.

78. Do you attribute that to improved police methods, or to any change in the circumstances or habits of the population ?—I should say it is largely due to changed conditions on the Frontier, and that the police may take a certain amount of credit also for improved methods of work; but I think the first factor is the change of conditions by the extension of roads and more peaceful conditions amongst the tribes.

79. How far would you say the bulk of your crime was due to feuds and that sort of thing, and how much was due to the economic conditions of the people ? How far do you attribute crime to lack of means of subsistence ?—It has a large effect on crime. If you can keep the people occupied and their economic conditions are good, there is naturally less crime, but there is not less violent crime. Violent crime is our problem up here. You find that the number of murders equals the number of cases of theft reported during the year, and half the number of cases of burglary.

80. *The Chairman*: The figure for murders you gave us was 514. I see the number of thefts, distinguishing theft from burglary, is 545 ?—Yes.

81. *Major Attlee*: Do I understand that murders are not generally arising out of the commission of an offence like burglary or dacoity, but on some other ground ?—Life is very cheap up here, and a man may be shot or knifed in a quarrel arising over a trivial dispute. There are far more cases of that sort—murders arising out of trivial disputes—than others, such as shooting people on the roads as an accompaniment of highway robbery.

82. *Sir Hari Singh Gour*: How far do the public here co-operate with the police in the detection of crime ?—Not to a very great extent.

83. Is there any marked hostility of the people towards the police ?—No, I should not say that.

84. Indifference ?—Indifference more than hostility.

85. And want of sympathy ?—There is lack of sympathy. I think the police are regarded, particularly in the agencies, as a force to be feared rather than desired.

86. Is it the case that the offenders who commit

murder in these five settled districts sometimes, if not in many cases, escape into the trans-border areas ?—Yes, a percentage escape across the border.

87. What would be the percentage of offenders who escape justice in that way ?—I cannot give you the figures off-hand.

88. It must be a fairly large percentage ?—Fairly large. We have got a certain number of outlaws, people who have committed offences within British territory who have escaped over the border—proclaimed offenders.

89. What means have you to bring these escaped offenders to justice ?—The Political department assists us. If a man goes over the border, he has got to be harboured, he has got to be fed and housed, and pressure therefore can be brought to bear upon the tribe concerned to hand him back again, or to pass him on to other areas. If he should venture back on his own account into his own village, it is the business of the police to catch him.

90. What percentage of escaped offenders do you think you would get in that way ?—In the past three years the average of captures is about 100 per annum. The number who go across the border is decreasing because of changed conditions. Our outlaw problem is not so serious now as it was a few years ago.

91. Does the political officer assist you in extraditing the offenders ?—Yes, frequently.

92. Would he act in his executive capacity or under the Extradition Act ?—In his executive capacity. The Extradition Act does not apply to tribal areas.

93. As regards municipal areas, have you got the *jirga* system operating also within the municipal areas ?—No. We do not use it. We send up cases to courts.

94. Have you the option of sending up cases arising out of the municipal areas to a *jirga* ?—I have not examined the provisions of the law on the point. In fact that procedure is not carried out.

95. As regards the *jirgas*, that is the Council of Elders, they are not bound by any rules or procedure of evidence ?—Surely; they have to follow certain prescribed procedure.

96. Not the Criminal Procedure Code ?—The Criminal Procedure Code does not apply.

97. Are you satisfied that the *jirga* system brings real offenders to justice ?—Yes; I think so.

98. And do you think that the *jirga* system prevents innocent people from being convicted ?—I think on the whole the system works fairly well. I think the safeguards followed to prevent innocent men being convicted are generally good.

99. There is no appeal or any judicial check against the decision arrived at by a *jirga* ?—Oh, yes. I can remember an occasion on which a *jirga* convicted some persons, and a representation was made to the Chief Commissioner; and there was a retrial and the conviction was set aside. There is appeal to the head of the administration.

100. *Mr. Cadogan*: Are all the sentences of the *jirga* subject to revision or not ?—No. Normally I think there is an appeal to the Chief Commissioner. I should rather have that question referred to Mr. Metcalfe when he comes. He knows more than I know about it.

101. *The Chairman*: I understand that the finding of a *jirga* is sent up before the district magistrate, or some authority of that sort, and I think it is for him to pass the order ?—I think, sir, that the finding is referred to the district magistrate before passing an order.

102. They recommend and it is for the district magistrate to adopt that recommendation or not ?—Yes, I think that is correct.

Sir Abdul Qaiyum: The district magistrate has got the power of accepting or rejecting or doing anything with the verdict of a *jirga*. But the Chief Commissioner can only interfere on the revision side if the sentence is excessive or illegal. Those are the only two grounds on which he could interfere, and those are the only two words used in the Regulation. Otherwise there is no appeal.

103. *Sir Hari Singh Gour*: That is to say, there is no appeal or revision on a finding other than the illegality or the quantum of the sentence ?—Yes.

104. But not on the question as to whether the man is innocent or guilty, or whether a man was wrongly sent up before the district magistrate ?—I think there is no appeal or revision against that.*

105. As regards corruption in your police force, what percentage of corrupt practices has been punished ?—I think the figures are very low. I will just refer to my last year's report. The number of punishments for the whole force last year was 137, including 38 dismissals. We had one officer removed for dishonesty.

106. Are these all subordinate officers ?—We had a case last year in which a gazetted officer was concerned. That case is still *sub judice*, and I cannot say very much about it.

107. *Sir Arthur Froom*: Have you any cases of murder of the police in the execution of their duty ? You say there were 514 murder cases last year. Of those murdered people, did any or many of them belong to the police force ?—I cannot say many, but cases occur every year in which men are shot or killed in the execution of their duty. Last week, on the 11th of this month, a constable accompanying an officer bringing in a couple of prisoners was shot on the road a couple of miles outside Mardan, which is a sub-division of Peshawar. The sub-inspector was wounded. Cases of that sort occur from time to time. The men constantly run considerable risks of life.

108. But generally speaking, would you consider that the tribesmen regard it as a fair game to shoot policemen ?—No; I do not think there is any reason to say that. An outlaw would shoot a policeman whom he encountered in order to save himself being shot if he was not prepared to surrender promptly.

109. So cases of murder of the police really occur when they actually are in the active execution of their duties ?—Yes.

110. *Sir Zulfiqar Ali Khan*: Will you tell me whether in your experience here you have come across any case of anarchical crime such as happen in Bengal ?—Not in my experience; none.

111. Could you tell me whether there is any nervousness existing among the Hindu population as to the police administration ?—Yes. From time to time I have had representations made to me to increase the number of the Hindu police in cities and cantonments. And, as I told you, for some years now we have been endeavouring to give a definite percentage of appointments to the Hindus in our cities and cantonments to prevent an entirely Muhammadan force coming into existence. But, as I said, we have to recruit largely from Punjab and there is considerable difficulty in getting men up here.

112. You say that there has recently been a diminution of crime and yet you say it has not given peace of mind to the Hindus ?—The Hindus are not nervous in regard to the general statistics of crime, but it is on occasions of communal troubles elsewhere, which have their repercussions up here, that there is a feeling of insecurity. For that reason the Hindus naturally would like to have a considerable percentage of police of their own people.

113. Do you think the relations between the Hindus and Muhammadans are on the whole good ?—We have had no communal disturbances up here for the past three years, and that is a very clear proof of improved relations.

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* The witness subsequently stated that the correct reply should have been :—

"The words contained in Section 50 of the Act "provide that the Commissioner can set aside a finding "when there has been material irregularity, or defect "in the proceedings, or when the proceedings have been "so conducted as to occasion a miscarriage to justice."

114. You have said that you have got here a police force of 11,000 ?—6,000 police and 5,000 Frontier Constabulary.

115. This is a sort of auxiliary force ?—It is run as a separate department.

116. Where is it used ?—Chiefly on the borders.

117. Beyond the Khyber ?—Not beyond the Khyber. We have a force along our borders with detachments at head-quarters—viz. at Shabkadr, Michni and Peshawar. In the next district of Kohat we have detachments at Kohat, and Hangu ; also in Bannu, and Dera Ismail Khan and on the border of Waziristan.

118. All these come to 11,000 ?—Yes. Police and constabulary.

119. And it costs you about 50 lakhs ?—About 47 lakhs approximately.

The Chairman : As a matter of fact, it is 28½ lakhs for the police and 21½ lakhs for the constabulary.

120. *Sir Zulfiqar Ali Khan* : Do you think that a similar force in the Punjab costs much less ?—Conditions of service up here are different. In the Punjab you keep ten to twelve men in the police station, but we have to keep sixteen or eighteen, because we have to protect stations from attack from outside. It is difficult to compare conditions in the Frontier and in the Punjab.

121. Could you tell me whether these policemen show any partiality towards their own tribesmen ? —No. I think it is extraordinary that the police force is practically never affected by communal trouble. They do their duty loyally to both sides.

The Chairman : We had similar testimony in the Punjab.

122. *Raja Nawab Ali Khan* : Will you tell me why you have to look to the Punjab for recruitment of Hindus ?—We have to fix certain standards just as in the army. The Hindu population come up here largely for business and for purposes of trade. They do not furnish the right material.

123. Is there any desire or demand from the Hindus of this province to enter into the police service ?—There is very little offer from the Hindus up here for police service.

124. *Rao Bahadur Rajah* : Is the police service in the North-West Frontier Province open to all communities ?—Yes. The conditions of recruitment are the same as in the Punjab.

125. Do you recruit members of the depressed classes in the police service ?—No ; we do not.

126. Why ?—Because the class is not suitable, and does not offer for service.

127. If suitable candidates are available, will you open the service to the members of the depressed classes also ?—If they come forward and are suitable I will take them.

128. *Sir Abdul Qaiyum* : Can you give us an idea as to what proportion of the police is attached to the cantonments for the protection of the cantonments area ?—I am afraid I have not got the figures here.

129. How many police stations have you got ?

The Chairman : There are 89 police stations and 69 outposts.

130. *Sir Abdul Qaiyum* : And you said that the strength of these outposts is something like 18 or 20 ?—The strength of a police station varies from 16 to 18.

131. Will that give us a rough idea of one-third of the police force ?—That gives you about 2,000 men.

132. What I am driving at is this, that supposing there are 89 police stations and 69 outposts, and taking the strength of each police station to be, say, 16, that will not give you more than 2,000 people, which is about one-third of your police force ?—I think we have nearly got 2,000 people in cities and cantonments. 1,730 to be exact.

133. So that takes away a good deal of the force. Does that include the guards supplied to various houses in the cantonment ?—No ; it will not. In the cities and cantonments I have got actually 1,730 men.

134. And you cannot give a correct figure for the outposts and the police stations ?—I think that the strength of each police station will be 16 to 18, and that of the outposts will be 8 to 12 men.

135. Am I correct in understanding that only one-third of the police force is actually employed in the rural areas in police stations and outposts ? —No ; you have got a third of the force employed in cities and cantonments and two-thirds employed as reserve and throughout the districts.

136. What will be the proportion of the reserve men actually on duty in the outposts ?—The reserves are maintained at the head-quarters, not at the outposts. The total reserve is fixed at different figures—6·5 for recruits and 11 per cent. for leave, and 17·5 per cent. is a general reserve for districts.

137. Perhaps that is quite near my point. It is only one-third of the police force or thereabouts that looks after the rural population outside the towns and cantonments ?—No. That will be rather a low estimate. You have got a third in cities and cantonments. Some of those employed in cities are employed in urban areas in the districts and beyond head-quarters. They must be included in the percentage of police employed for protection in the districts.

138. Supposing this force of 1,700 which you have just mentioned is there, how does that compare with the whole police force ? Is it one-fourth or one-fifth ?

139. *The Chairman* : What is the suggestion ? Will you please tell me what it is that you want us to understand by your question ?

Sir Abdul Qaiyum : What I want to suggest, sir, is this, that the urban population, according to my idea, has absorbed a greater portion of the police force, while the rural population to which I belong does not require so much police force, and so the rural population is not very turbulent and not very criminal.

140. *The Chairman* : Your object is to show that people there are not so very turbulent as otherwise it would be thought ?

Sir Abdul Qaiyum : Yes, sir.

141. *The Chairman* : I gather that some of your police force will be on duty in cantonments, some will be on duty in preventing crime in urban areas outside cantonments, while some will be on duty in purely rural areas. Without going into the precise factors, can you tell me out of the whole force what sort of proportion is likely to be on duty in rural areas ?—I estimate it at about 3,000, sir ; that is, about half of the total.

142. *Sir Abdul Qaiyum* : That is quite clear ; thank you. So, half of the total is employed in the rural areas. And then as to the expenses, a good deal, as you have informed us, will go for the police supplied for the protection of cantonments ?—A considerable amount goes for the protection of cantonments and the cities as well.

143. About this violent crime of murder, do you not think that it is to some extent due to the existence of this *jirga* system which makes the police slack in bringing the criminals to justice ? After all, for the offence of murder the criminal is let off with a small sentence of seven years or so, and do you not think that that encourages the commission of murder ?—I am afraid I cannot admit slackness on the part of the police. We do our duty, but we are confronted with a very large amount of difficulties. You know the customs up here, and as I have stated, that a complainant before going to the police to present his case will spoil it by trying to incriminate as many of the enemies as he can by preparing false evidence. How are you going to deal with that, or how can the police deal with that ?

144. *The Chairman* : To save time, is it your view, Nawab Sahib, that there ought to be no Frontier Crimes Regulation at all ?

Sir Abdul Qaiyum : No, sir. The Frontier Crimes Regulation is very good.

145. *The Chairman* : Then do you not think that

we have already got the opinion of the witnesses on the point already ?

Sir Abdul Qaiyum: What I want to know, sir, is whether a difference is made between a weak case and a strong case which is referred to a *jirga* ?

The Chairman: I think we have already agreed that we will find it out from Mr. Metcalfe when he comes.

146. *Sir Abdul Qaiyum*: Yes, sir. (To the Witness): Do you find your policemen very reliable ?—Yes.

147. Are you never afraid of using your police force in riots ? Have you ever found them unreliable ?—I have not had any serious riots during my incumbency.

148. Can you tell me from your experience if your police force has ever failed you or your predecessors in reliability ?—I am not aware of any such thing.

149. Then in order to remove the fears and suspicions of the Hindu population, and give them more confidence in the police force, why have you to import superior Hindu constables from outside ?—We have recruited a percentage of Hindus in order to keep a balance of communities in the force.

150. From outside ?—Yes.

151. Do you think that local people will not be coming forward ?—Generally speaking, the material available locally is not satisfactory.

152. Do you not think that these people are only anxious to find employment in the higher grades ? Do you get sufficient recruits for the higher posts ? —I can give you the figures: 16 per cent. of inspectors are Hindus, 30 per cent. of sub-inspectors, 12 per cent. of head constables and 13·4 per cent. of the constables are Hindus.

153. *Sardar Shivdev Singh Uberoi*: Are there any Sikhs ?—There are a certain number of Sikhs also ; for purposes of classification they are included among Hindus.

154. *Sir Abdul Qaiyum*: I understand that the police here is a part of the Punjab police ?—The Imperial officers are on the same cadre while the provincial service is separate.

155. With regard to promotion to the rank of the Inspector-General, is local service taken into consideration or does it go by seniority throughout the Punjab ?—It is a selection appointment.

156. Who makes the selection ?—The Punjab Government have a say in the matter, and the local Administration has also a say in the matter.

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158. *Rai Bahadur Karam Chand*: You said that 16 per cent. of inspectors and 30 per cent. of sub-inspectors are Hindus. Are they working in the different *thanas* or are they working in the office ?—Some are working in the districts and some in the office ; it includes everybody.

159. My information was that most of these men are working as clerks.—No ; my clerical establishment is not big enough to absorb them all.

160. *Nawab Ahmad Nawaz Khan*: Can you not reduce the number of your constables employed within the cantonment ?—I am afraid not. If you remember the area of the place you will get an idea as to how many men are required to be constantly patrolling when it becomes dusk until early morning when the sun rises and there is once more security for the inhabitants.

161. What I mean is this. The cantonment authorities have their own sentries.—They are responsible only for the portion covering their own lines. There is another matter. You must remember that the protection of cantonment means the prevention of people from coming into the city. This is natural, for if criminals can make their way into the cantonment, they will also go to the city and loot shops there. So the protection of this portion of the country affords very excellent protection also to the city.

162. What I want to know is this. If you were to ask the General Officer Commanding the district to issue orders to the Colonel Commanding the brigades to increase their patrolling, can you not reduce your police force ?—If you are going to throw the whole burden on the military you will have to ask them to perform all the duties of the police. My men do not merely patrol at night but have to perform other duties during the day. If I were to make a small reduction of work in the matter of patrolling at night it does not necessarily mean that I can make a reduction in the force.

163. You said that cantonment has a very large area. If you ask the General Officer Commanding to help you in patrolling that area with his own army men, can you not reduce the number of your men ?—The army men have their own regimental duties to perform and if you entrust the whole work of patrolling to the troops, I am afraid you will have to increase the strength of the regiments. As I have already said, the police do not merely patrol at night but perform other police duties.

Mr. H. A. F. METCALFE, C.I.E., I.C.S., Deputy Commissioner, Peshawar.

164. *The Chairman*: Are you Mr. Metcalfe, Deputy Commissioner, Peshawar ?—Yes, sir.

165. Before taking up your present post did you serve for a time as one of the Political Agents ?—Yes.

166. Which was your agency ?—Malakand.

167. You have also been previously Deputy Commissioner in Dera Ismail Khan ?—Yes, sir.

168. Let me just ask you one or two questions about the political agency first. The Frontier Crimes Regulation, I think, applies to the settled districts, does it not ?—It also applies to certain portions of the political agencies. In the Malakand, for instance, the actual part which surrounded the head-quarters was known as the protected area. There were a certain number of villages in that area, which extended to about 20 square miles, where the Frontier Crimes Regulation was in force and powers were given to the political agent under the Regulation in that protected area.

169. Broadly speaking, is it not true to say that the Frontier Crimes Regulation Act is an Act which is extended to these settled districts ?—Not entirely so ; it is used extensively all over the agencies. The Malakand is peculiar in the fact that it contains several large States which are governed by independent regulations, but in other agencies, in the Kurram Valley, for instance, and in the North and South Waziristan agencies, the Frontier Crimes Regulation is extensively used and is in force.

170. Under the Frontier Crimes Regulation jurisdiction is given to tribal tribunals whether for civil or for criminal enquiries ?—Yes, that is so.

171. I will summarise for the convenience of the Conference what seems to be really material. So far as civil disputes are concerned, I see that the provision is that where the deputy commissioner is satisfied that a dispute exists which is likely to cause trouble, he may refer the dispute to a Council known as *jirga* and may ask this Council of Elders to make a finding which is reported to him. Is that right ?—Yes.

172. Is the finding in writing ?—Yes.

173. Is it a fairly elaborate finding ?—The finding is always in writing and usually in cases of difficulty it is fairly elaborate. I think I may explain that in the majority of applications made under Section 8, i.e. civil, they are sent in the first place to some prominent local gentleman belonging usually to the locality in which the parties reside and he makes a decision usually by compromise between the parties without any reference to the *jirga*.

174. It comes to this : In as far as you can get a more or less agreed solution, either because there is a Khan whose authority and standing carry weight

or because there is an agreement or compromise between the parties, you do it. If I may say so, any sensible administration will do that. Where people are not agreed, am I right in saying that the deputy commissioner in this case refers the question to a Council of Elders for them to report to him, they then report to him in writing usually pretty elaborately with the finding of facts ?—Yes.

175. When they so report to him what does the deputy commissioner do in civil cases ?—He passes a decree in accordance with their finding.

176. Generally speaking, does the deputy commissioner accept the finding of the facts ?—As a general rule, yes.

177. I suppose many of them may affect either questions of matrimonial relations or questions of customs relating to land ?—Yes. But there are also questions of payment of money but those are usually settled without reference to the *jirga*.

178. Speaking generally, do you find that the Council of Elders agree amongst themselves or they have differences of view on the questions referred to them ?—Almost invariably the finding is unanimous.

179. The Statutory Commission has seen something of the working of a panchayat in the Punjab. What has impressed me is that the system has this advantage, not only does it get rid of a good deal of technical load, but also, since the inquiry is made more or less on the spot, the probability of false and ridiculous evidence is largely excluded because, in truth, the people know the right offenders.—It also avoids the difficulty of paying heavy court fees.

180. Yes, it has this material advantage that there is no wasting of money on lawyers. Now on the criminal side, may I sum up again ? Where either the commissioner or the deputy commissioner considers that it is inexpedient that the question of guilt or innocence of a person accused of crime should be tried by the ordinary judicial system, then he may refer the question to the decision of the *jirga* and require the *jirga* to come to a finding on certain questions. Is that the system ?—Yes.

181. Do you formulate questions ?—The questions involved are formulated in writing by the deputy commissioner in his order of reference.

182. The *jirga* then sits and when it has investigated the matter, apparently it answers those questions ? —Yes.

183. Does the recommendation in a criminal case, if the view is that the crime was committed by the man, include a recommendation for punishment ?— It is frequently a recommendation for mercy based on the circumstances of the crime which the *jirga* have found in the course of their investigations.

184. In these criminal cases, for instance, murder, is the finding often elaborate ? Is it set out in some detail ?—Almost invariably, so far as my experience goes, the finding has been a very full one and gives the deputy commissioner both the facts of the case and the reasons which the *jirga* has found for arriving at those conclusions.

185. Assuming that they take the view that the crime has been committed and that the person named is guilty of the crime, do they recommend any punishment ?—Sometimes they do and sometimes they do not. But it is usual—and I think desirable—for the deputy commissioner to discuss with the members of the *jirga* both before and after they bring in their findings—certainly after—exactly what their feelings are as a result of their investigation, on that point as well as on others and satisfy himself that the finding is based on good evidence.

186. Has the *jirga* in a criminal case any power to recommend death ?—No.

187. What is the maximum penalty which the *jirga* can recommend ?—Fourteen years' rigorous imprisonment, but punishment over seven years is subject to the sanction of the Chief Commissioner.

188. After the recommendation has been considered by the deputy commissioner, will he issue his order upon it ?—Quite so. He is not bound to accept the decision of the *jirga*. If the finding is that a man is not guilty, that finishes the matter so far as he is concerned ; if their finding is guilty, the deputy commissioner is not necessarily compelled to convict the man. He has still complete discretion as to whether he should convict or not.

189. Let me read the relevant section : " On " receipt of the finding of the Council of Elders under " this section, the Deputy Commissioner may—

" (*a*) remand the question to the Council for a further finding ; or

" (*b*) refer the question to a second Council ; or

" (*c*) acquit or discharge the accused person or persons or any of them ; or,

" (*d*) in accordance with the finding on any matter of fact of the Council, or of not less than three-fourths of the members thereof, convict the accused person or persons, or any of them, of any offence of which the facts so found show him or them to be guilty."

That is the scheme ?—Yes, sir.

190. As regards criminal *jirgas*, generally speaking, do you find that the members of the *jirga* agree in their conclusions ?—They are almost invariably unanimous. You will observe that a three-fourths majority is necessary for conviction, but they are almost invariably unanimous.

191. Beyond that again, if the sentence be more than seven years' rigorous imprisonment there would be review by the Chief Commissioner ?—Quite so ; the Chief Commissioner has absolute powers to increase or reduce the sentence.

192. On the whole do you consider that this system you have summarised works fairly and satisfactory ?—Yes ; I think on the whole it does, and I think it would be very difficult to do away with it. It has its disadvantages, but on the whole, I think, those are outweighed by the advantages, provided that it is administered only by experienced officers who scrutinise with great jealousy the list of *jirga* members and take very good care to see that it is not used by those members for purposes of corruption. The list is very small, and is purposely kept low. And anybody against whom there is a general report of inefficiency or corruption is promptly removed. That, I think, is the most essential safeguard in the working of the system.

193. Supposing a person who is suspected objects to the constitution of the *jirga*, has he got any right to make his objection ?—Certainly ; that is actually laid down in the Regulation. In practice, that is a right which is always accorded not only to the accused, but also to the complainant. The members of the *jirga* are invariably appointed in the presence of both parties—I mean the names are selected in the presence of both parties—and each party has a right to challenge, and if the challenge appears to be valid, that name is immediately rejected and another name substituted instead.

194. Always subject to the precautions which you have emphasised, this system is one which you think should be preserved ?—Certainly.

195. Now I will ask one or two questions about your work as deputy commissioner. What are the main branches of your work in this province ?— The main branches of work of the deputy commissioner are revenue, law and order, which includes both the prevention of crime and the punishment of crime and a certain amount of political work which varies in importance according to the district —by political work I mean political control of tribes living actually beyond the administered border.

196. With regard to the revenue work, and law and order, these are subjects which may be more difficult in some respects here, but they are subjects which are a part of the work of the deputy commissioner or his corresponding officer in various parts of India. As regards your political work, it is rather special ?—Yes.

197. Would you like to say anything on your work in connection with law and order ? Do you consider

it a work which in this part of the world involves any special features or difficulties ?—Certainly there are special difficulties owing to three causes. The first cause is the manner in which the average Pathan—I am speaking particularly of Peshawar district ; it varies in other districts—regards human life as having very little value indeed ; I do not think it is too much to say that possibly one out of every twenty inhabitants of the rural tracts is a potential murderer. Another cause is the fact that the public opinion against murder is not very great. In the case of certain offences committed against oneself it is regarded as only your duty to commit murder in revenge.

198. You mean touching a man's honour in his home life ?—Yes. The third cause is the large armament which exists at present in this district alone. There are something like 3,000 rifles—I am talking about the licensed ones—half of which are issued by Government for the purpose of village defence.

199. You are speaking, I understand, of the Peshawar district alone ?—Yes.

200. What is the population of Peshawar ?—I should say it is about three-quarters of a million ; I speak subject to correction.

201. What would be the length and breadth ?—I think it is 80 miles long and about 50 miles broad.

202. You said that there are 3,000 licensed rifles. Do you think there are a certain number more that are not licensed ?—I have no doubt about that. In addition to that there are a very large number of licensed revolvers and pistols.

203. You have mentioned first of all the psychology, secondly you have mentioned the attitude of public opinion about recourse to even murder by way of wiping out certain insults and thirdly of the prevalence of possession of weapons in the area. Is there anything else ?—Yes, sir. The fourth thing is the proximity of the border which acts both as a refuge to criminals and also a base from which crimes can be committed.

204. 514 is the figure for last year of the true cases of murder in the five administered districts. Can you say how many there were in Peshawar district last year ?—There were 222 murders.

205. To what extent do you think there is movement across the frontier—I mean between districts and the tribal area, backwards and forwards—which complicates the task of law and order in the settled districts ?—The problem is a serious one. I can only speak of this district. But there is no question that out of those 222 murders committed last year a number of them were directly due to the immigration of Mohmands who come down here ; many of them come to avoid tribal feuds which they have in their own country ; their enemies follow them up and commit murders here. Similarly with the immigrants who come in from Afghanistan and elsewhere. They are lawless people, and they do not have even the little respect that our common people have for the ordinary laws.

206. We are all very carefully considering one of the proposals put before the Conference yesterday. It was a proposal by which the five administered districts might enjoy a new Constitution in which, according to some of those who spoke yesterday, there would be complete provincial self-government which would, I suppose, include transfer of the subject of Law and Order to the control of the local legislature and a minister responsible to that legislature ; and bounded by a line which divides the settled districts from the tribal tracts. How far will that kind of problem be complicated by the fact that the line is an imaginary line and is not a barrier which keeps people from passing forward ? What do you think about that ?—I think it certainly will complicate the problem, because the authority, such as it is, that we wield across the border will rest not with the newly constituted Government, but presumably with the political officers who will have no allegiance or responsibility to that Government. I take it that it is proposed that the political officers who live across the border controlling the tribes will in so far as they do that work not be under the Minister of Law and Order.

207. I understand the suggestion to be that the self-government area will be limited by this boundary line and the tribal tracts beyond would remain under the direct administration of the Government of India officers ?—It has always been found that very close co-operation and goodwill between the deputy commissioner and the Political Agent is necessary in order to secure the prevention of crime. You can understand that a Political Agent living across the border is in some respects interested in the welfare of his own people and he is occasionally regarded as the so-called vakil or pleader on behalf of his own people ; and unless he keeps in very close touch with the deputy commissioner, who is responsible for the district, difficulties may arise in the maintenance of law and order in the district.

208. *Colonel Lane-Fox* : I take it that under the present conditions of the province the ordinary elections to a council would be rather difficult ?—I should imagine they might ; but one has no experience, and I do not like to prophesy. The ordinary technical details can, of course, be learnt from other provinces from experience ; but one does certainly anticipate that there might be some exacerbation of communal feeling, especially in the case of a thing which has not happened before.

209. Probably it would be wiser to start as a preliminary not on a system of wholesale election but to have a system of nomination also ?—Without some very definite system of communal election I should imagine it would be necessary to have nominations in order to safeguard minorities. It does not appear it will be safe to have a wholly elected council or anything like that to start with. This is, however, a question of policy, with which the district officer is not called upon to deal.

210. *The Chairman* : There is at present, is not there, absolutely no case of an election by ballot in the Peshawar district ?—None at all.

211. Neither for the rural nor for the urban areas ?—No ; all local bodies are appointed purely by nomination.

212. *Colonel Lane-Fox* : The Bray Committee recommended or suggested that as regards the urban areas the application of *jirga* system should be practically done away with. Do you agree with that ?—I agree ; it is very seldom used in urban areas, and I always use it with the greatest misgiving.

213. *Mr. Cadogan* : Is it your experience that the findings of the *jirgas* require modification ? Is it as a rule ?—Not as a general rule, because their findings are only on a question of fact ; they are not asked to deal with any legal question at all.

214. In criminal cases ?—I think not. You accept them or reject them ; you do not modify.

215. You reject them frequently ?—Not very frequently.

216. Is it your opinion that it is an efficacious system ?—Very efficacious.

217. *The Chairman* : When they return a finding that the man is innocent there is no question of rejecting that decision at all ?—No. I only meant cases of conviction.

218. *Mr. Cadogan* : Has not the district magistrate got the power to refer the case back ?—All that he can do is to refer the case to the Chief Commissioner for his orders as to the appointment of a second *jirga*.

219. You said there were 3,000 licensed weapons in the Peshawar district. What percentage does that include of persons who are qualified to get a license ?—It rests entirely in law with the deputy commissioner and in practice with the Chief Commissioner. No rifle license is under present circumstances issued without the sanction of the Chief Commissioner. Those 3,000, I should explain, include 50 per cent. Government rifles issued under

the direction of the deputy commissioner and carefully checked by the district officer, Frontier Tribes, for purposes of village defence. They are the property of Government and they are given under certain statutory rules.

220. *Sir Hari Singh Gour* : If an offence is committed in a settled district and the offender escapes to the tribal tract, what means have you of bringing him to justice ?—One of the proceedings we take is under sections 87 and 88 of the Criminal Procedure Code. But the principal way by which you protect your district against outlaws is in consultation with the Political Agent in whose territory the offender takes refuge. If you are also the Political Agent yourself you work direct. It is to be understood that in almost every case an outlaw takes refuge with a *malik*, as he is called. You make or you get the Political Agent to make that *malik* responsible for the behaviour of the outlaw, and so far as you can, you can bring pressure both on the relations of the outlaw and on the *malik* who lives across the border and soon that man is brought in to stand his trial ; there have been a great many cases recently in which outlaws have surrendered themselves for trial.

221. Do you think a large percentage of offenders are brought to justice in that way ?—They have been recently. New rules on the subject were framed by Sir John Maffey, who recognised the importance of the matter, and I think that the rules on the whole work pretty well. There is an outlaw register maintained in the district under the direct supervision of the deputy commissioner, and he is responsible for seeing that all particulars regarding the outlaw and the offences committed are entered and the offender is never lost sight of.

222. What is the percentage of offences in the five settled districts committed by the transborder tribes ? —That is a question for which there may not be a correct answer even if I had the figures before me. There is a very large percentage of dacoities and so on attributed to outlaws very often by the local people, who wish to avoid the blame, which would otherwise fall upon themselves. If the man is said to have merely committed a dacoity and to have gone back into outlawry, it is frequently impossible to prove whether he did commit it or not, so that no figures would really be of any value even if I had them to give you.

223. I understand that the members of the *jirgas* are at liberty to consult, and in fact do consult, the deputy commissioner before they record the findings. Is that right ?—I do not think so. As a general rule the file is handed over by the deputy commissioner in person, and he probably gives it with a short résumé of the case and points out the question which they are called upon to answer. The consultation, if any, or the discussion—discussion is perhaps the better word—takes place after the finding has been recorded, and is merely for the deputy commissioner's own satisfaction that that finding has been arrived at by reasonable methods and with perfect conviction on the part of the members that it is a just and suitable finding. That is the object of the discussion.

224. Do the *jirgas* record the proceedings in writing ?—As a rule the evidence is not recorded *in extenso*. A brief note is the rule, and the whole substance of the proceedings is usually recorded in the finding, which frequently gives a summary of the evidence too.

225. Have there been complaints that the members of the *jirgas* have at times been corrupt ?—There have, of course, been, and for that reason it is the deputy commissioner's duty to exercise strict supervision over the list.

226. Are the deputy commissioners who are appointed for these five settled districts generally senior officers ? Is it not a fact that very junior officers are appointed ?—That occasionally happens for a short time owing to administrative difficulties. After all, we depend for our officers on the main cadre of the Foreign and Political department. This province has to take what is sent to it, and it has no separate cadre of its own. If senior officers go on leave and so on and only junior officers are left, it is necessary to appoint those juniors in charge of the districts.

227. Is it a fact that sometimes officers of three years' standing have been appointed as deputy commissioners ?—I could not tell you off-hand. The information would probably be available.

228. In any case the officers who are appointed as deputy commissioners have no judicial training of any kind ?—As a rule they have judicial training, I think. Most of the officers, and I think, in fact, all, during their probationary period in the Political department have an extensive course of training in some regular province. The Indian Civilians who come from other provinces have usually at least three or four years' experience in that province, where they presumably receive judicial training.

229. *Sir Arthur Froom* : It is known that for the last seven or eight years in the major provinces in India there has been some form of self-government which is by some people called diarchy, and from certain people in this province a demand has arisen for full provincial self-government. The demand has been put forward by a certain section of the public here for full provincial self-government in the North-West Frontier Province. Would you feel inclined to give this Conference the benefit of your opinion on this demand briefly with reasons ?—It is somewhat difficult for me to do so as a Government servant.

230. Not in detail, but generally. You know there are not even the Montford Reforms here, and now there is a demand for a full provincial self-government with a provincial legislative council in the North-West Frontier Province.

The Chairman : You say it is somewhat difficult to do so as a district official. I am sure the Conference desires you only to answer what you think you can answer in view of your position as a district official. If you feel you can help us in giving an answer to the question we shall be glad to have it, but if you do not, I may tell you that you will be under no pressure.

The Witness : The only thing that I am faced with is this. My views on the subject are not very considered because I have no experience of the working of diarchy in other provinces, and that is in itself a considerable handicap in forming the views. Another point is that as a government official of a comparatively inferior status one's duty is to carry out policy and not to formulate it. One feels that to express one's views in such a situation is of very little value because the policy will be formed above and it is one's duty to carry it out. What I do feel from the point of view of the district officer—and perhaps this I may be allowed to say—is that one anticipates with a little alarm the prospect of the executive being weakened, which will make one's hold over law and order even more difficult than it is at present, and one also views, at any rate without any pleasure, the prospect of any weakening in the influence of Khans and other people who are at present a great stand-by and of great assistance to the district officer in preserving law and order and in deciding difficult questions connected with that matter. If the introduction of Reforms or self-government were to have either of these effects, I think it would make it more difficult for the district officer, who would, of course, try to do his best in any changes which might be imposed upon him by the higher authority.

231. *The Chairman* : I am sure the Conference is much obliged. You have spoken with proper discretion, but I ought just to point out for clearness' sake that the actual matter put is not the question as to your view if there was established here a system which now exists in other provinces. The question went much further than that, as to what would be your view if the system now existing in the Governors' provinces was abolished and there

was complete self-government in this area. But I am not asking your view now.

Nawab Ahmad Nawaz Khan: I may explain, sir, that the *jirga* itself is a good system. It was first started at the request of the people of this province. I am myself the head of a *jirga*. It is administered for the good of the people, to save them from litigation and other things. I may say that it has never been influenced by the deputy commissioner. The deputy commissioner never tells us to do this or that, because if he says anything at all I should be the first person, as the head of a *jirga*, to be told.

The Chairman: It has never been suggested that the *jirga* gets orders from the deputy commissioner.

Nawab Ahmad Nawaz Khan: Recently there was a case where it was rumoured that the *jirga* went and consulted the deputy commissioner. To know the truth, I myself had a talk with the deputy commissioner, and the rumour was found to be false. As is pointed out, it is a sort of swaraj or local self-government of the people. It is a hereditary sort of thing. This is the good side of it. But what people object to is this: It is generally objected to by the pleader class as it affects their pockets because they are not allowed to appear or plead before the *jirga*. When people go to them to consult them they say "What is the good of the *jirga*? There is no vakil, "there is no evidence, there is no appeal and there "is no argument." That is one objection that is put forward. The real objection is that we Indians sometimes on account of recommendations or on account of jealousies or on account of bribes, destroy the confidence. I am speaking this frankly. It is often said that sometimes rich people who possess wealth buy some of the members of the *jirga*. Perhaps that is the chief defect. But that defect, I think, applies also to the regular courts. We occasionally hear that the Indian magistrate or the judge has been bought over. But as Mr. Metcalfe has pointed out, we always try to get the best men on the *jirga*. If you have got an honest set of people on the *jirga*, there cannot be any reasonable complaint. Sometimes even the poor people or the low class people who sit on the *jirga* are more honest than the Khans themselves. So the real thing is that we must get honest men, and under such conditions the *jirga* is a blessing; otherwise it is a curse.

232. *Sardar Shivdev Singh Uberoi*: How many members form a *jirga*?—As a rule, four or five. There used to be cases in which sometimes the number was ten, but that is not general.

233. *The Chairman*: You form a *jirga* for each separate case?—Yes.

Sir Abdul Qaiyum: As there should be a three-fourths majority in the *jirga*, the number cannot be less than four.

234. *Nawab Mahomed Akbar Khan*: Do you not think that if there is a special secretary appointed under the Chief Commissioner to receive the reports from the *jirga*, to sift the whole thing and to put up his reports to the Chief Commissioner, it will be a better solution? Of course there may be financial difficulty. But apart from that, if there is a secretary who knows something about the *jirga* system to put up his own notes when the findings go up to the Chief Commissioner, will it be a better system?—I personally can see very little advantage in placing a further intermediary between the Chief Commissioner and the deputy commissioner. No deputy commissioner ought to, nor do I think he does, exercise powers and certainly no assistant commissioner exercises powers under section 11 of the Frontier Crimes Regulation unless he has considerable experience and is well able himself to decide what he thinks correct. The Chief Commissioner is almost invariably a man of considerably greater experience than anybody else, and the setting up of an intermediary between him and the officer who decides the case does not seem to be of any particular value. It only means eventually that the Chief Commissioner will have to read another note in addition to the evidence and all the matters that are already on the file, and I can assure you that at present the Chief Commissioner has quite enough to read in reading what is on the file already, and he does read it and pass orders. I do not see much value in the suggestion myself.

235. Do you not think it better to have a *Shah jirga*, to which an appeal lies from the *jirga*, as they have in Baluchistan? Do you not think that that system will work better?

The Chairman: In point of fact is that right? We had been to Baluchistan, and I did not understand that there was an appeal as of right from an ordinary *jirga* to the *Shah jirga*. I was expressly told that there was not. The "King Jirga" there meets once a year, and it is intended very largely to decide matters affecting the whole area or cases which have resulted in a deadlock. I do not think that there is a regular appeal to the *Shah jirga*.

236. *Sir Abdul Qaiyum*: I should like to explain one thing before I ask my questions. I am very much in favour of the retention of the Frontier Crimes Regulation. It has got many good provisions and very good procedure. It is only about the use and the practice of that Regulation that I will be asking a few questions. In the first place the Regulation is so grasping that it can be applied even to the heart of Tirah, and I believe it is being applied to Razmak, and its application can even be extended, if I am not mistaken, to any part of a tribal area, if not to Afghanistan itself.

The Chairman: I feel pretty sure, if you will allow me to draw on my experience as a lawyer, that though a Regulation such as this may provide against crime in the Frontier districts in charge of the Governor-General, it cannot possibly on its proper construction be extended to Afghanistan.

Sir Abdul Qaiyum: By a mere notification it could be applied to various places outside the districts, sir, and so under the same authority it may be applied to any other place. Anyhow, I am a layman, sir, and you are the highest authority on legal matters, and so that point may be left out.

Lord Burnham: You mean it applies to no man's land?

237. *Sir Abdul Qaiyum*: It applies and has been applied. That is what I say, sir. (To the Witness): As regards the provisions in the Regulation itself, what I say is that in civil cases where there is a danger of breach of the peace, the Regulation should come in. Whereas in practice I have noticed that when there is an Afghan subject to whom some little money is due from one of our citizens in the town and he is in a hurry to go back to Afghanistan, he asks for the assistance of this Regulation in order to hurry up the recovery of his loan, and the Regulation is applied in that case. I wonder if it really was meant to be applicable to such cases. I thought it was really meant for cases of such importance as were likely to lead to bloodshed and in order to safeguard against that, this Regulation was made, but not for the recovery of trivial loans of a few rupees due to some man who was in a hurry to go back to his home. So, will it be possible to specify the civil suits where the Regulation should be brought into operation? Although suits are classified here for this purpose, namely the prevention of bloodshed, and it may not be quite possible to classify these suits like the classification of crimes which come under this Regulation but some more definite classifications may be possible. That is one point.

The Witness: May I point out one thing? You yourself, Nawab Sahib, will admit that there is no sum of money too small for a murder not to be committed on account of it. Frequently cases have come before me where for matters of even eight annas more than one murder had been committed. It is all a matter of temper.

Sir Abdul Qaiyum: I quite agree, sir, that sometimes even a penny leads to a murder. But what I

want to ask is whether you will leave the provision as wide as it is now.

The Chairman: Of course I am much obliged to you for having brought out that point. There again it is partly a question of administration and partly a question of a possible interpretation of this particular law. It is hardly, is it, in itself a great constitutional question. The reason that we put the question was in order that we might understand the general nature of the disputes that arise and the general nature of the application of the Regulation in dealing with them.

Sir Abdul Qaiyum: May I suggest, sir, that in the case of a reference under this section there should be a written note from the district officer that as the case is likely to lead to bloodshed, it is referred to a Council of Elders? Then about the criminal cases, as far as I know, the Regulation requires that when it is found expedient that the question of the guilt or innocence of a person should be referred to a *jirga*, then it should be referred, sir. While this is so, I should like that some sort of specific reason be put in the order of reference by the district magistrate that is that for such and such reason it is expedient that the question should be referred to a Council of Elders. My object is there should be one big proviso that on no account where the evidence is weak a case should be referred to a Council of Elders. It is to that particular point, sir, that I want to draw the attention of the Conference and should like to get the opinion of the witness. My experience is that where the police fails, and the magistrate too with his legal knowledge and assisted by the pleaders cannot come to a correct conclusion then the magistrate says that the "evidence is "weak and that it cannot stand the scrutiny of a law "court; let the case be referred to a Council of "Elders." It is there that my objection comes in, sir. It was never meant by this Regulation that the deficiency in evidence or slackness—if I may be allowed to say so—on the part of lower officials in not carrying out their duties properly * * * should be supplemented by a procedure of this nature. That is my point, sir.

The Witness: May I say a few words on the other side, sir?

The Chairman: Yes, but I do not want to encourage a discussion on it. It is not a constitutional point.

The Witness: The only thing that I want to say is that I entirely agree with the Nawab Sahib on the question of referring cases purely because the evidence is weak. There are, however, two points to be considered on the other side. One is the great difficulty of securing evidence to be actually produced in a judicial court which is available before a Council of Elders through reasons of fear and so on which may prevent people from coming forward before the court, while the *jirga* which goes and visits the spot and makes local enquiries is sometimes able to arrive at a perfectly true and satisfactory decision on a point where no evidence at all was available before the court. The only other point is this. You frequently get cases where a brutal murder is committed; nobody will come forward before a judicial court to say how that murder has been committed, or by whom it has been committed. In such cases the magistrate has two alternatives, either to let the murder go entirely unpunished and thereby to encourage the persons aggrieved by that murder, the relations of the deceased man, to take the law into their own hands. The other alternative is to put up the case to a *jirga*. Let them go into the matter and settle questions as they very often do by the administration of the customary oath. At any rate, if a *jirga* has done that, and they even found the man not guilty or whatever it is, it is some satisfaction to the relations of the murdered man, and it is less likely to produce further bloodshed arising out of that particular crime. Whereas if a magistrate simply says there is no judicial evidence in this case and therefore I will not refer it to a *jirga*, the relations of the deceased are left without any other remedy than the violent but not legal remedy.

Sir Abdul Qaiyum: Unless they are eye-witnesses themselves, they will have to depend on the hearsay evidence of other persons given to them in private, and as the state of society at present is, there are always two factions in a village, one in favour of the accused, the other favouring the complainant. So they will have to depend on hearsay evidence not open to cross-examination and the result, to my mind, will not be satisfactory. I can believe, sir, that if the guilt or the innocence of a man is referred to a *jirga* composed of his own father, brother, uncle, or first cousins, they may perhaps possess some first-hand knowledge of his guilt or innocence. But anybody beyond those will have to depend on hearsay evidence. Perhaps there may be no new material before them, which was not or could not have been brought before the open court, and cross-examined.

The Chairman: I am much obliged to you for bringing out those points. They are very useful.

238. *Sir Abdul Qaiyum*: Do not you think, sir, that on account of the inadequacy of the sentence passed under the Frontier Crimes Regulation—that is a murderer getting off with a sentence of seven years—that murders are likely to be encouraged? The second thing which we have noticed here is the possession of arms—Government arms—and the third is the existence of so much levies and others who possess these arms. Can there be any improvement according to your idea if the sentence under the Frontier Crimes Regulation which you seem to appreciate, is raised to, say, death?

The Chairman: I would like to follow that point. Do I understand that your suggestion is that whatever may be the shortcomings of the *jirga* system, it will show some improvement if the *jirga* in a criminal case where they find that a murder has been committed should recommend the death sentence?

Sir Abdul Qaiyum: Yes.

239. *The Chairman* (to the Witness): Do you agree?—No. I have understood that it has always been the law that fourteen years is the limit and death sentence cannot be imposed. Death is not a general tribal penalty. It is very rare that death is imposed by tribal custom as the penalty for murder.

240. *Sir Abdul Qaiyum*: Is it not then necessary to encourage the death sentence in order to put a stop to murders? If the sentence is low, such as a fine, or seven years' imprisonment, it not only slackens the authorities in investigating the case, but also the eventual punishment is not a deterrent?—I should not say so, sir. I should say that I have not considered the question very deeply.

Rai Bahadur Karam Chand: I have to urge, sir, that the Hindus should be exempt altogether from this Frontier Regulation, because we citizens are not going to commit such crimes as the tribal people.

241. *The Chairman*: Do you mean that a Hindu should not be liable to be tried by a *jirga*, or do you mean that a civil dispute in which a Hindu is a claimant should never be heard by a *jirga*?

Rai Bahadur Karam Chand: The law court is quite open to them. My view is that the Hindus should be exempt from the Frontier Regulation.

242. In Baluchistan we were told a Hindu money-lender sometimes finds that a *jirga* will try his case quite fairly and will give him justice. You do not desire the Hindu community to have any part in *jirga* system?

Rai Bahadur Karam Chand: The general opinion of the Hindus is against the *jirga* system.

243. Another thing I was told in Baluchistan was this: that sometimes there has been a civil decree, such as a Hindu getting judgment for a sum of money; it is difficult to execute the judgment, he cannot get the debt paid. In Baluchistan when that happens the question is sometimes referred to a *jirga* as to how best the defendant can be made to

pay the money to the plaintiff. And I was told that sometimes the *jirga* makes a very good suggestion and the money is paid. Does that happen here ?—Frequently the *jirga* is asked to give a suggestion as to how the decree can best be executed.

244. (*To Rai Bahadur Karam Chand*) : Don't you wish the *jirga* to do that ?

Rai Bahadur Karam Chand: There is a vast difference between the customs of Hindus of Baluchistan and the Hindus of these parts.

DELHI.

Dated, 22nd November, 1928.

PRESENT:

ALL THE MEMBERS OF THE COMMISSION (EXCEPT THE RIGHT HON. VERNON HARTSHORN), AND OF THE CENTRAL COMMITTEE.

Mr. H. G. HAIG, C.I.E., I.C.S., Secretary, Home Department, and Mr. J. M. DUNNETT, C.I.E., I.C.S., Officer on Special Duty, Home Department, Government of India.

1. *The Chairman*: Mr. J. M. Dunnett has come with Mr. H. G. Haig, and I dare say in the course of the afternoon we may conveniently get some information from him also. Mr. Haig, are you Home Secretary to the Government of India?—Yes.

2. That is to say, you are Secretary in the Home department, the chief of which is the Home Member?—Yes.

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23. Tell me this; I am not quite clear about it myself. The three positions on the Governor-General's Council which by law must be held by persons who have been for ten years in the service of the Crown in India no doubt tend to be held by gentlemen who have not had a career in the Legislative Assembly, because they will probably have been working in the service of the Crown as members of the Indian Civil Service or otherwise. As regards the other members, however, has there, since the Montagu-Chelmsford reforms, been any case in which the position of member of the Governor-General's Executive Council has been filled by a gentleman who has previously been a member of the Central Legislature?—Do you mean one of the three officials?

24. I meant an elected member of the Central Legislature?—(*Mr. Haig*): Mr. Sarma certainly was.

25. Sir B. N. Sarma?—He had been a member.

26. I should have said, subject to your better knowledge, that Sir B. N. Sarma was not an elected member since the Montagu-Chelmsford reforms?—That may be so.

Sir Sankaran Nair: He became a member before the Reforms.

27. *The Chairman*: The point is of some historical interest. As I follow it, since the Montagu-Chelmsford reforms came into operation—that is to say, since January 1st, 1921—there has not as yet been a case in which the individual chosen to fill a post on the Governor-General's Executive Council is an individual who had previously been an elected member of the Central Legislature. Is not that right?—Of the Central Legislature as constituted at present, yes.

28. Quite right: of the Central Legislature as constituted under the Montford scheme?—Yes.

29. I think that is rather an interesting fact, because, of course, in the provinces there have been several cases in which a man has become a member of the Governor's Executive Council who has had past experience as an elected member of the provincial legislature. You see what I mean?—Yes. Of course, some of the members who have been appointed have had experience in the legislative councils.

30. What do you mean by "legislative councils"?—The local legislative councils.

31. The local councils—what are sometimes referred to as the provincial councils?—Yes. I think I am right in saying that.

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43. If I follow you rightly, the general arrangement appears to be that where the Member of Council sits in one House, the Secretary of the department sits in the other House; is that so?—Yes, that is the normal arrangement.

44. Though, as we know, the executive councillor can speak, cannot he, in either House?—Yes.

45. Of course, that is an arrangement which we do not have in England, though it has been suggested sometimes. Could you tell me on that particular point, either of you, whether there is any view you hold as to how that particular arrangement works? Let me suggest one consideration which occurs to one. It might be said, perhaps, that by putting certain Members of the Executive Council solely in one House, namely the Council of State, you tend to increase the authority and importance of that Chamber, whereas if on interesting or important occasions, even though they are members of the Council of State they go and make speeches in the Assembly, you do not produce the same effect. I do not know whether you have any views, either of you, about that?—Of course, it might be argued, on the other hand, from the point of view of the Council of State that they feel that it enhances their position that when a matter affecting, say, the Home Department comes up, and ordinarily the Home Member would be in the Assembly, the Home Member will come to the Council of State and address them himself. That would not be the case under the other arrangement.

46. At the moment the Home Member is a member of the Lower House, and I imagine usually has been?—I think so, yes. (*Mr. Dunnett*): I do not feel that that has actually been the effect. I do not feel that, for instance, the Assembly considers itself any less concerned with Army affairs, defence, or considers itself less concerned with Education, Health and Lands affairs, because the honourable Members in charge of these departments are in the Council of State. Similarly, I do not consider that the Council of State considers its interests in Finance or the Home affairs lessened because the Member sits in the Lower House. I think in actual practice it has not had the effects which you apprehend.

47. I was not fearing those effects; in fact, I do not think the point you make, which I quite follow, is quite the same point as I was raising. I can understand, of course, that the interchange on occasion of attendance makes each of the two Chambers feel that it has got the closest interest in all subjects. I was on a slightly different point, which I think I have seen suggested, that the position, let us say, of the Council of State is one which would be made more influential and important if it was a Chamber which had the membership, and alone had the membership, of certain members of the Executive Council. It is not quite the same point, is it? You see, if I may do what is a very rash thing to do, I will suggest a very rough analogy. Undoubtedly the position of the House of Lords as an Upper Chamber in Britain is rendered more important in part by the fact that some members of the Government, and very important members, are members of that House and of that House alone. If every member of the Government who was in the House of Lords on every important occasion went to make his speech in the House of Commons, I should have doubted whether the importance of debates in the House of Lords would have remained. No doubt Lord Burnham can tell me.

Lord Burnham: No; and it is my view that it has been very unnecessarily weakened in that respect of late.

48. *The Chairman*: You mean the House of Lords has lost importance?

Lord Burnham: Yes. The old rule used to be that the Secretaries of State should be equally divided between the two Houses, and that has not been adhered to.

49. *The Chairman*: At any rate, I gather that you think that the present arrangement is one that upon the whole works well?—Yes, and the difference of function would overrule the different effect of personnel, as it were.

50. Of course, there is a second result which you gentlemen, I dare say, may have sometimes thought of. It is manifest that the occasions when the Secretary may have a leading part to play in debate are considerably affected by the fact that his Chief on most important occasions will invade the House in which the Secretary sits: is not that so?—(*Mr. Haig*): Yes.

51. *The Chairman*: I think when a new Government is formed in England, and the time comes to distribute the Under-Secretaryships, an ambitious young man would rather prefer to go and be Secretary in a House when his Chief was in the other House. However, you think that works well?—I think the system works very satisfactorily here.

52. I hope it is not asking anything invidious or difficult, but I think we should all like to know—I am sure my British colleagues would—as things work out in practice, do the Secretaries to Government, who are members of the legislature, have an important part to play in legislative debates?—Yes, in the Council of State I think they have quite an important part to play, because it is only on comparatively rare occasions that a Member of Council who belongs to the Assembly can spare the time to come across to the Council of State. Therefore as a rule the Secretaries who are sitting in the Council of State carry out their own work.

53. You are a member, are you not?—I am a member of the Council of State.

54. *Sir Arthur Froom*: Honourable Members sometimes come up and take their seat and leave it to their Secretaries to conduct the debate whilst they are in the House?—(*Mr. Dunnett*): On the other hand, I have sat behind the Home Member in the Assembly and I should say that in the Assembly the Member bears the brunt, conducts the debate himself, and Members normally employ their Secretaries in the Assembly on less important legislative business.

55. *The Chairman*: That is inevitable, of course, I wish you would just tell me about the part that is played in the legislature by another section of official representation. As we understand, you get a nominated and official element in the Central Legislature through each province, do you not?—That is so, yes.

56. *The Chairman*: Tell me what the section is. I do not at the moment recall whether it is actually provided in the Government of India Act that there must be such members, or whether it is merely a discretionary use of the power to nominate a certain number of officials. I want to know whether the Government of India Act provides that there *shall* be such members. I do not think it does.

Sir Sankaran Nair: It is not in the Statute.

57. *The Chairman*: Is it one member from each province, or are there in some cases more than one official nominated members?—(*Mr. Dunnett*): I should require to refer to the electoral rules. (*Mr. Haig*): I think occasionally there is more than one official member from a province.

58. Anyhow, they form a rather interesting feature of the official group. What I want you to tell me is this. Do these gentlemen, who sit in fact as nominated members officially representing different provinces, play a significant or important part in the work of the House—apart from voting, I mean?—They play the part expected of an ordinary member. They take a full part in the ordinary work of the House. They occasionally, but not very frequently, are used by Government for speaking on Government measures. I think they play an important part on committees.

59. I was rather thinking of the part taken in the argument of debate. What strikes one, looking at the existing structure, is this, that here you have this element present at Delhi or at Simla from the different provinces, and presumably in pretty close touch with the Governments of the provinces. There must be, I should have supposed, a good many occasions in the course of the session when the views or the interests of a particular province were important and might call for expression. I do not know how far you gentlemen would say in practice that the officials who are nominated to represent the different provinces do take an important and influential part in the discussion?—(*Mr. Dunnett*): Perhaps I may say something on that point. In practice the provincial members keep in close touch with the leader of the House, and the answer to your question is very much a description of the normal practice of the leader of the House. The leader of the House would never show any objection to a view being stated by a provincial member on behalf of his Government. If a provincial Government had a view which they wished to express, the leader of the House would not object. Then, on general legislation which does not necessarily have an interest for one province only, the practice has been that on occasion the leader of the House has asked for assistance from provincial members; on other occasions provincial members have expressed a wish to speak. They have always been encouraged to do so, and these occasions have been frequent on matters like the Land Acquisition Act and so on. The members have intervened in debate, we consider with effect and usefully; the other side of the House may think otherwise. In our view, considerable use has been made of provincial members, and they have been given practical freedom to intervene in debates in the same way as an ordinary member.

60. You see, when one is reconsidering these things it is material to ascertain how far different elements in the existing structure play a useful and effective part, and it does not follow that because a certain number of officials is nominated to represent provinces, and I dare say are constant in attending when their vote is needed, that that is all the part they ought to play. I wanted to know the view of you gentlemen as to how far they do play an important and characteristic part, and I gather you say you think they do: is that so?—I can recall innumerable examples of legislation which had an All-India interest and not a special provincial interest on which provincial members spoke, and spoke freely—subjects as technical as amendments of the Civil Procedure Code and general civil legislation and so on.

61. What you are putting now (though I think it is very useful to know it) rather goes to show that they make a useful contribution, in your opinion, on subjects of general debate; but there is another question which I should like answered, and which is this: Do you consider that they are able to play and do play an effective part as the representatives of their province? I agree they are nominated as officials. After all, if a question arises which particularly affects Burma (a taxation question, let us say; I am merely giving an illustration off-hand) presumably the Government of Burma might desire to have their point of view put forward in debate. Has that happened?—That instance is a little difficult.

62. Take any other one you like?—As an illustration, a proposal of that nature, of course, could be initiated only by Government. It would be Government legislation, and legislation of that nature would be undertaken only after consultation between the two Governments, and I think I may say that normally the two Governments would be in accord.

63. At any rate, I imagine you do not have the

spectacle in the Legislative Assembly of an official member claiming to emphasise the view of a provincial Government when the accepted or proposed policy of the Government of India might not be exactly in line with it?—I have mentioned an instance of that kind in the memorandum.

64. Would you give me the reference?—It is on page 65 of the "Short Sketch of the Operation of "the Constitution in the Central Government."

* * * It is the last sentence of the second paragraph.

66. Yes. I will just read the sentence: "Provincial official members are free to speak and "vote as they like, but on occasion may be required "to vote with Government. Actually they spoke and "voted against Government in connection with the "provincial contributions." Lord Burnham tells me he thinks he recalled instances, in his reading of the Indian Hansard, where they might have spoken critically of the Government of India even though they did not vote?—I cannot recall that.

67. Tell me this, as we are on the subject. It is a matter, I think, of very great importance. What is the accepted view in the Central Legislature as to the way that nominated officials vote? You see, a man may be an official and may be nominated, and yet in his personal judgment he may not always quite agree with the Governmental proposal. Such things have been known.—(*Mr. Haig*): I think a nominated official is always expected to support Government by his vote.

68. And is the expectation in practice fulfilled?—I am not aware of any instance in which it has not been.

69. I imagine, of course, that in the case of nominated non-officials the position is quite different?—Yes. They have freedom.

70. Now I should like to get your help a little on this subject—the working in practice of the leader of the House and the Government he represents and its policy in relation to a majority which is elected and unofficial and very often critical of Government proposals. The position in the Council of State, is not it, is that out of a total membership of 60, 33 are elected. In the Legislative Assembly you have in fact a membership of 145, and 104 of them are elected?—Yes.

71. What one needs very much to understand, if we are considering the constitutional problem of the Central Government, is how the thing works with so large an elected majority and so comparatively small an element which is officially supporting the Government?—Of course, there are not infrequent occasions when Government is defeated—when Government proposes legislation and is unable to carry it or, more frequently, when a non-official resolution is moved by the opposition and is carried against Government. There are other, legislative, measures (quite a fair number, I think, in the aggregate) which are not really very controversial, and which can be carried more or less by the general sense of the House, if they raise no grave political issue. There remains a certain number of big issues which Government manage to get through by a very small majority. Occasionally, of course, they are beaten by a small majority.

72. You are speaking of the cases where they get them through?—Yes. When Government do get a majority in a controversial matter like that, they probably have had the support of the majority, at any rate, of the nominated non-officials, though not all. It is probably a measure that commends itself to the European group, who number ten or eleven or something like that, and it may be a measure that commends itself to the Muhammadan group. If they can command all that support they can secure a fair majority; otherwise they cannot.

73. The particular reflection that occurs to one when one thinks of the contact of this point of view between the legislatures of the provinces and the legislatures at the centre is this. In the provinces, though you have got a majority that is elected, the policy of Government is framed in consultation with and is supported by ministers who themselves are elected, and who, presumably, therefore, have a following among the elected members, and therefore, even although the official element is a minority under that arrangement, you may hope to see the policy adopted by the provincial Government generally supported?—Yes.

74. But in the Central Legislature, as you have no ministers, you have no element of that sort in the Government which may be expected to bring along elected support, because the supporters belong to the same group. Do you see what I mean?—Yes.

75. I think what strikes one when one looks at the present arrangement is that the Legislative Assembly has got 104 elected members out of 145, and, as we know, there is a good deal of criticism. Nevertheless, as I read it, the history of the Legislative Assembly here is broadly speaking that the policies that have been proposed have been carried out?—Yes.

76. Is that a correct way of looking at it?—Well, I think a considerable proportion of the policies proposed have been carried out.

77. Instead of saying the policies proposed have been, broadly speaking, carried out, I will substitute a considerable proportion?—Yes. But, of course, Government in making proposals to lay before the Legislative Assembly always try to take account of all currents of opinion. There may be informal consultation beforehand; there may be a committee of the legislature which reports, and on the basis of it legislation is subsequently framed and carried. There are opportunities for Government to keep in pretty close touch with opinion in the legislature.

78. *Lord Burnham*: Surely if you look at page 80,* Mr. Chairman, you will find that "the Assembly "divided on 431 occasions with results favourable to "Government on 239 occasions and unfavourable on "192. In 104 divisions on demands for grants "Government was defeated in 56 and won in 48. "On Bills 139 divisions went in favour of Govern-"ment and 91 against. On resolutions and adjourn-"ment motions the majority was with Government "on 52 and against on 45 occasions." Are those figures correct?—(*Mr. Dunnett*): Yes, sir. I can give you some figures on the question you are asking about the support in the House.

79. *The Chairman*: Those figures to which Lord Burnham calls attention on page 81 of the document* certainly bear very much on the point.—That is the result, sir, but about the method, the position is this, that in the Legislative Assembly a vote of, say, 53 will win the day for Government unless there is a whipping up and a very full House. Now, Government always secures the attendance of its official members, and there is one condition of nomination as a non-official, and that is regular attendance. Therefore we may take it that the Government nominations are normally present, and they are 40. The nominated non-officials do not always vote with us, and we have had several who have always voted against us; but the position roughly is that if Government can get about 15 elected members to vote with them, on anything but an extraordinary occasion Government will win. Is this of use, sir?

80. Yes, it is very practical.—The position in the House is that there is no solid single opposition; there are a series of parties. These parties do not always agree among themselves. Secondly, their party organisation is not completely efficient, and therefore Government has always the opportunity either of detaching one party from the other parties, or of detaching various members from individual parties, and therefore in, say, half the cases the Government has not much difficulty in getting its 15,

* Vol. IV.

which will make up 53 that will win you the day. That is the rough calculation.

81. I see. Still, the totals to which Lord Burnham calls attention on page 81* are very striking. I do not know whether there is anything to be said as to whether the occasions on which the Government gets defeated are of equal importance with the occasions when they succeed ?—Well, sir, I recognise that in giving these figures which I have just given, I have enhanced the black nature of these figures against Government, because my explanation, I recognise, does mean that on more occasions than the occasions on which we lost, the majority of the elected members was against us, and therefore, if you are looking only at the weight of elected opinion, the figures against Government should be weighted.

82. I quite see that, but I meant something slightly different. I was wondering whether, taking the figures as they stand, and not considering, for the moment, whether the total in a lobby was made up of elected or non-elected people, it could not be said that the Government got its way on the larger part of the important occasions when issue is joined in view of these figures. If so, the explanation must be that though they got defeated on a very large number of comparatively unimportant questions, they get their way on the more important occasions ?—Well, in an earlier portion of this memorandum you will find that we have passed 199 Government Bills, and we have lost 9—that is, up to the end of 1927. Only four times has the Governor-General certified ; he has only exercised his emergency powers on four occasions.

83. So I understand ; that is including a Finance Bill, is it not ?—Two Finance Bills.

84. Finance Bills we might, perhaps, deal with rather specially a little later on ; but apart from that there seem to be two occasions when there has been certification ?—Yes.

85. Can you tell us briefly something about the relation between the two Houses, the extent to which in your opinion the Council of State and the Legislative Assembly may usefully sit together ?—The following section deals with that.

86. I know ; but summarise it for us.—The two Houses remain apart ; they have never sat jointly. The Council of State has, I think, rejected nine measures, other than Finance Bills, passed by the Assembly.

87. Where shall I find that ?—On page 81,* the penultimate sentence of the first paragraph. The two Houses have been at variance on nine occasions.

88. That is not only at page 81,* but it would also happen, if it happened at all, under section 67 of the Act. That has never happened, has it ?—A joint sitting, no. It was once asked for.

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90. *Colonel Lane-Fox* : The Assembly, of course, represents 260 millions of people ?—(*Mr. Haig*) : Yes.

91. Are there any other instances in the world of one body directly representing so large a number as that ?—I do not know.

92. What I wanted to ask you was, is it not as a matter of fact difficult for individual members to be really representative of such an unwieldy constituency ? Does that come out in the proceedings of the House ?—Yes, I think it is probable. It is difficult to generalise on these subjects, but I think it is probable that the members of the Legislative Assembly are in somewhat less close touch with their constituencies than the members of the local legislative councils. I think it is inevitable owing to the size and scattered nature of the constituencies.

93. And that would naturally be one of the causes of an apparent irresponsibility which sometimes tends to show in the Assembly ?—I think it makes them probably more responsive to what you might call the big All-India organisations, such as the Congress, or the Press.

94. Less responsible to the constituencies ?—Mainly because, I fancy, local organisations usually do not exist.

95. Because the members are not sufficiently in touch with them ?—I do not think really the country is sufficiently developed to have reached that stage yet.

96. But if there was a different system of election, if instead of direct election you had some system of indirect election, then you might get rather more responsible members ?—You might certainly have rather closer touch with the electors, but of course they, on the other hand, would be representing some other interests. I take it you mean if local bodies, for instance, were to elect members to the legislative councils or if the provincial legislative councils were to elect to the Assembly. In that case I imagine that there would be much closer touch between the member and the body that elects him.

97. Then his action will have reference strictly to somebody ?—I expect so.

98. And I suppose one of the weaknesses of the Government in the Assembly is this very fact of the irresponsibility of the elements in it ?—Well, certainly, they are swayed by influences which are very often antagonistic to us.

99. Has the question of the constitution of the Assembly ever been debated in the Assembly itself ? Has the question of direct or indirect election come before it ?—No.

100. They are quite satisfied with themselves as they are ?—I do not know the occasion really to discuss the details of the constitution has arisen until now.

101. *Major Attlee* : Are there occasions on which all the members of a certain province irrespective of party affiliations act together on a particular question, or are there any sorts of organisations of provincial representatives in the interests of the province ?—I should say, not. I seem to remember an occasion in the Assembly when the question of the remission of provincial contributions was up, a matter which to certain provinces was of very great significance and importance, and my impression, I am speaking without the book, is that the provincial members did not take the line which might be considered favourable to their provincial interests but rather stuck to their Assembly grouping. That is my impression. I am speaking subject to correction.

102. You do not know if there were ever meetings of, say, the Bombay members, as we in the House of Commons have meetings of, say, Lancashire members ? Do you know whether that takes place at all ?—Not as far as I know.

103. Another point is as to getting the time of the House. We see at Home that the difficulty of a minority Government is that if you are a minority Government you cannot get your Bills through because you cannot help people talking them out. Are not your proposals talked out, or is there any closure system, or how do you work it ?—There is no closure system as far as legislation is concerned. I do not think we ever had such organised obstruction.

104. You have no all-night sittings as a means of bringing pressure to bear ?—I cannot remember one. (*Mr. Dunnett*) : The time for the rising of the House is in the discretion of the Chair.

105. *The Chairman* : It occurs to me, Major Attlee, even if they had a power in the Government to move what they call the suspension of the rule, apparently if there was a majority against Government they would never succeed in carrying it.

Major Attlee : Yes, and I am wondering how they get through. Is it not your experience that they get clogged towards the end ?—(*Mr. Dunnett*) : The analogy with the House of Commons is rather incomplete. For one thing, the whole budget, including the estimates, is limited, I think, to four days, or six days, whereas yours runs to months. Here it is fixed.—(*Mr. Haig*) : So far as the budget is concerned, there is an automatic closure. A certain

* Vol. IV.

number of days is set aside and all votes that do not come up by the end of that time pass automatically.

106. What you call a budget we call a supply day. I was thinking of other business.—(*Mr. Dunnett*): What I am suggesting to Major Attlee is this, that whereas your supply or debates on the supply, I understand, run on for months and the rest of your parliamentary business takes a secondary place, as it were, our supply or our financial arrangements are limited to a few days in the year and the rest of our business is the bulk of the business of the House.

107. How many days do you set apart? Rather less than we do?—Yes. We have two sessions in the year. The budget session runs on from the end of January till the end of March. The other session lasts for three weeks.—(*Mr. Haig*): Possibly a practical reason which has just occurred to me for the feature mentioned by Major Attlee is this. The members of the Assembly have to come long distances from their homes, and after they have been in session for a certain time, as a rule they are anxious to get back to their homes. Now, if it comes to a test of endurance, Government can go on sitting quite happily with their official members, all on the spot, and could obviously wear out gradually the opposition. So I do not think it would be a practical course to try to organise obstruction on these lines, because Government could really wear them out.

108. But in fact there is no way at present to prevent it?—(*Mr. Haig*): No. I think not.

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109. *Sir Arthur Froom*: There was one question, sir, to which you referred, and that is the system in the Central Legislature under which the honourable Members and Secretaries in charge of departments sit in one House or the other. That actually takes away a considerable part of their time. Roughly speaking, we might say that the sessions last for three months in the year, including the Delhi and Simla sessions. Would it be right to consider that that has any detrimental effect on the efficient working of the departments?—It must slow up business. Undoubtedly during the session the ordinary departmental business is working slowly, and at the conclusion of the session we generally have a rush of cases which have to be disposed of. But, of course, we manage; we try to get along with all our urgent business. It is a strain.

110. Can you suggest any other system that perhaps might be more beneficial for working?—Personally I value the opportunity of getting contact with the legislature through sitting in it. I think it is valuable for one's own work.

111. With reference to the secretaries, is there any inconvenience suffered from the system of the office of Secretary being held by one individual—I think I am right in saying—for three years only?—That period of three years is extendable to four years.

112. Yes, for instance, I think we have seen a Secretary in the Finance Department turning up as a Secretary in the Department of Education, Health and Lands, and so on and so forth. Do you think that is a reasonable arrangement for the efficiency of any one department of the Government?—Well, of course that rule originated, I think, with the quite proper idea that it is important for the Government that its Secretaries should not lose touch with realities in the provinces and districts, and it was considered that four years was quite enough for one to remain as Secretary to Government and that then he should return to the province. But with the development of more technical departments that possibly does not altogether apply. That cannot apply, for instance, to the Secretary in the Commerce Department, and I do not think the rule in any case is held to apply in the Political Department or Foreign Department.

113. *The Chairman*: Does it apply now in any department?—Yes, sir; it is the normal rule. Certainly it is the normal rule in the Home Department.

114. I had an impression that this circulation, this interchange between the secretariat and the districts, the range of circulation, the constancy of it was less than it used to be?—Well, as I have said, there are exceptions. Sometimes perhaps the system is worked with a little elasticity, but that still remains the formal rule.

115. *Sir Arthur Froom*: Have you a system of Permanent staff like you have Permanent Undersecretaries at Home in any department? Have you got the same system obtaining out here?—No, not in the higher ranks. The highest permanent official that we have in the department is the Assistant Secretary.

116. *The Chairman*: Might I just ascertain one or two matters of fact? Could you tell me how many years the present Foreign Secretary has been Foreign Secretary?—That is one of the cases I mentioned as an exception.

117. Never mind, how long is it?—I think it is probably eight years. I cannot really say off-hand.

118. How long has the present Finance Secretary been in the secretariat?—Well, of course he was the Army Secretary, and before that he was Financial Adviser, so he had been up here for a long time.

119. How long has the Industries Secretary been in the secretariat?—He was Finance Secretary and he is now doing a term as Industries Secretary.

120. Of course it is not necessary to say that there is nothing intended to be in the nature of a criticism in these questions, still less any personal reference, but it is useful to know the facts. I dare say your department can give us a return showing how long the gentlemen now holding posts in the secretariat have spent their life in the secretariat and how far in the field?—Yes.

121. *Mr. Kikabhai Premchand*: The commercial community is the most influential section in the country. They pay a large proportion of taxes and are likely to supply more stable material in the councils. Would you not therefore have increased representation in the Assembly and in the Council for the commercial community?—Well, that raises a big question, of course, how far you want to base your system on the representation of particular interests and how far on general electorates. I hesitate to express an opinion about that.

122. You would supply a more stable element by giving representation to the several commercial bodies which are not properly represented now? Has there been any occasion when the nominated non-officials were subjected to the influence of Government in recording votes?—(*Mr. Haig*): I think the understanding is that they are free to express their views.

123. *Sir Arthur Froom*: Does that obtain in the Council of State?—I well remember a case on the motion connected with the appointment of this very Commission in which a nominated member voted against Government.

124. *The Chairman*: You mean nominated non-official?—Yes.

125. Why should he not?—That was the question put to me, sir.

Mr. Kikabhai Premchand: I simply wanted to know from the witness, sir, whether any undue influence was used on the non-official nominated members which prevented them from having their own way in voting.

126. *Raja Nawab Ali Khan*: Mr. Haig, the Central Government is not responsible to the legislature?—No.

127. In the Assembly you have got a majority of elected members?—Yes.

128. Supposing on an issue which is very important from the point of view of Government the Government is defeated, how then would you carry on the Government?—I think the answer is that we have hitherto carried on the government.

129. But how?—There are these emergency powers You must remember that some of the occasions on which the Government is defeated are on resolutions which are not binding on Government; Government is not bound to accept the opinion of the Assembly on a resolution. The only matters in which the Assembly's view is primarily decisive are finance and legislation, and, of course, there are powers which are used as a last resort to secure supply and legislation if Government think that the issue is of sufficient importance to justify their use.

130. *The Chairman*: You pointed out the fact that there is reserve power in the head of the executive to secure a financial or legislative provision which is thought to be essential if there is an adverse vote. Do you consider that the existence of that power on the whole tends to make the opposition more careful, or more careless, as to how they should vote?—It is difficult to answer that question, sir. I think it is a natural tendency in human nature, if a measure is one which is felt to be salutary but at the same time unpopular, to vote against it, relying on Government to secure it. We cannot ignore that possibility. On the other hand, it is not regarded as a normal course that the Assembly should try to drive the Governor-General to certify; I do not think that that is really their normal attitude.

131. *Sir Hari Singh Gour*: In answer to Mr. Kikabhai Premchand you said, Mr. Haig, that it is desirable to have a stable element in the legislature by having larger number of commercial representatives?—The question was whether this would not be more stable.

132. Not that you are in favour?—I did not express an opinion on that.

133. As regards nominations, you said that the nominated members should have a free vote, the only condition, as Mr. Dunnett pointed out, being that they should be regular in their attendance. But are you not aware that the nominated non-officials feel that if they do not ordinarily support the Government they run the risk of not being re-nominated by Government?—There are nominated members who have consistently voted against Government.

134. You are apparently talking of representatives of special interests. Apart from the representatives of special interests, the other nominated members have as a rule supported the Government?—Yes, they have.

135. I think you will concede that there is a feeling in the minds of the nominated members that if they consistently vote against Government the Government would not perhaps re-nominate them?—I think the nominated members are persons who are generally in sympathy with Government.

136. Is it not a fact that under the Government of India Act, section 43-A, the Governor-General may at his discretion appoint the members of the Legislative Assembly council secretaries?—Yes.

137. Did you ever attempt to put this provision of the Government of India Act into force?—(*Mr. Dunnett*): Sir Hari Singh Gour, you are aware of the debate that was started on the motion of Mr. Spence, I think in 1922, and the feeling of the House in fact was decisively against the appointment.

138. Do you know the reason why?

The Chairman: You yourself can explain, Sir Hari Singh Gour.

Sir Hari Singh Gour: The feeling, sir, was that the council secretaries would be merely parliamentary secretaries, and the Government said, "We are not "in a position to appoint parliamentary secretaries "who will have any initiative of their own. They "must act under the orders of the Member of the "Department concerned."

The Witness (*Mr. Dunnett*): On that occasion the Home Member said that they wished to test the feeling of the House. The Government did not give a lead and the proposal was really broken by Sir Sivaswamy Iyer and Mr. Ginwala, who gave a number of reasons against the proposal. Need I trouble you in giving those reasons now?

The Chairman: No. We will look at the debate ourselves. Section 43-A says that council secretaries shall discharge duties in assisting the members of the Executive Council. I have not clearly grasped what is the nature of the work which the section may be supposed to have contemplated. I am not suggesting whether it is a good or bad plan.

139. *Sir Hari Singh Gour*: I am coming to that point, sir. Apart from the motions by private members of the legislature, did you at any time during these three sessions of the Legislative Assembly move a motion to test the feeling of the House as regards the desirability or otherwise of appointing council secretaries in pursuance of section 43-A?—(*Mr. Dunnett*): I am not aware if Government made a motion. We made no motion, but I do not wish to be interpreted as saying that we were not in touch with the feelings of the House, that the leader of the House was not in touch with the leaders of parties to ascertain what the feeling was.

140. Can you give a single instance when the leader of the House asked any of the party leaders whether they would like to have council secretaries?—My own recollection is that he had conversations with the leaders of the parties on this question and that he was kept in touch with the feelings of the House.

141. If you hear the next question you will perhaps modify that answer. You remember that the Legislative Assembly has been pressing upon the Government during all the three Assemblies for the appointment of advisory committees attached to the Home Department?—No, sir, that is not my recollection. My recollection is that on the last occasion I was in the House we did not ask for a Home Department committee. We explained our difficulties, and Sir Alexander M. Idiman said that if it is the desire of the House to have a committee in the Home Department we shall offer no opposition.

142. But then the motion was carried?—The motion on that occasion was a motion by Sir Charles Innes for a committee in his own department and incidentally the question of a Home Department committee came up, and it was really left to the wishes of the House. We did say that we had no desire to ask for it ourselves.

143. May I remind you that actually a committee of the Home Department was elected by the Legislative Assembly and I was a member of that committee, but that the Home Department never called a single meeting of the Home Department committee?—My recollection is that that action followed on failure to get members to attend the previous sessions.

Sir Hari Singh Gour: In the first session of the Assembly it was urged on behalf of the Government that as the Home Department has to deal with a very large number of confidential matters, and very urgently too, the Home Department committee cannot function, and consequently the Home Member opposed the formation of the committee. The resolution was carried in spite of the opposition. The committee was appointed, but no meetings of that committee were ever held.

The Chairman: Would it not be a convenient course if you could give reference to the printed debates?

144. *Sir Hari Singh Gour*: Yes, sir, I will do that. As regards the members of the Executive Council, will you kindly let me know what are the various departments which are in charge of the Indian members, and have been in charge of the Indian members, ever since the inception of the Reforms?—(*Mr. Haig*): The Law member is in charge of the Legislative Department. . . .

145. Whereas Law and Justice are in charge of the Home Member. Are the other two Indian Members not in charge of minor departments and some of them transferred departments?—I should certainly not describe them as minor; they are extremely important departments.

146. Was there any resolution in the Assembly to the effect that portfolios should be changed from time to time, placing Indian Members in charge of those portfolios which are under European Members ?—I have no recollection.

(*Mr. Dunnett*) : There was a much more serious resolution in the Council of State. There is no portfolio in the Statute ; it is a business arrangement made by His Excellency the Governor-General. There was a motion in the Council of State that the rules and orders by which portfolios were allotted should be made or framed, I think, by a committee of the House or in consultation with the House. The Council of State certainly wished to take over the control of the distribution of portfolios.

147. *The Chairman* : Was the resolution carried ? —No, sir.

148. *Sir Hari Singh Gour* : In our House it was carried. As regards the Legislative Assembly, there have been complaints ever since the first Assembly that portfolios should be changed from time to time so that Indian Members may be equally acquainted with the archives of the Central Government alongside of the European Members.—I cannot recollect whether any resolution was moved.

149. *The Chairman* (to Sir Hari Singh Gour) : It is important to know. Is it your recollection that there has been such a resolution ?

Sir Hari Singh Gour : That is the complaint of the non-official members. I will give you the exact account. In the first Assembly there was a cut moved, and on that cut there was a discussion . . .

Mr. Dunnett : I take it there was no resolution.

The Chairman : I now understand that Sir Hari Singh Gour intended to refer to a debate on a cut ; there does not seem to be any resolution.

Sir Hari Singh Gour : No, there was no formal resolution ; the question was raised on a cut.

150. I think it was a convention that was established with the introduction of Reforms that of the six Members of the Executive Council three should be Indians and the other three Europeans. Was it the intention that Indian public men in touch with public life should be appointed so that they may inform the Governor-General and his Council of the feeling of the people of the country ?

The Chairman : May I suggest that though the matter is a very fair one for comment, it is difficult to make it into a question and leave the two Secretaries to answer it because they cannot know the intentions, not, I think, anywhere expressed, of the framers of the Constitution. There is one point of fact which has been brought out, namely, that there has not been a case as yet of any elected member of the Central Legislature being appointed a Member of the Viceroy's Council. That is one way of putting your point.

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156. *Sir Hari Singh Gour* : You have very intimate acquaintance, Mr. Haig, with the affairs of the Council of State. Do you not think that the Council of State as a body is unpopular with the people ?—I see statements made to that effect in the press, but I cannot say that I accept them.

157. There have been cases where the members of the Council of State migrated to the Assembly ?—I think there is also the reverse process.

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162. Do you think that the Government as at present constituted can face with equanimity the frequent defeats in the Assembly ?—It depends on what estimate one forms of the defeats. You mean the moral effects ?

163. Moral as well as administrative ?—I think the answer is very simple. We are able to carry on under the present system.

164. Do you not think that if Government is too frequently defeated, the public outside would consider that the resolutions passed in the Assembly are mere debating subjects, and would not this reflect on the attitude of the Government ?—I think that defeats in the Assembly have possibly rather a discouraging effect on our supporters in the Assembly ; but whether they have far-reaching effects outside I am very doubtful.

165. Do you think that if ministers from among the elected members are appointed as Members of the Viceroy's Council that would really solve the difficulty and secure a majority for them ? If from among the parties in the Assembly ministers are appointed do you think that those parties will subsist or will hold together to support the ministers ?—It depends on the policy of the Government of India, whether it emanates from the Assembly ; if it does not, of course the popular ministers would find it difficult.

166. Supposing that the Government of India is made responsible to an elected Assembly, what do you think would be the position of Government ? Would it become very difficult under those conditions ?—Do you mean if the whole Government of India is responsible to the Legislative Assembly ?

167. Yes ?—I think it is a little difficult for me to express an opinion ; but there are obviously certain subjects, such as defence, which is even mentioned in the Nehru Committee's report, which it would be very difficult to place under popular control.

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169. *Sir Zulfiqar Ali Khan* : In answer to Sir Hari Singh Gour, when he put the question whether the Upper Chamber was unpopular, you stated that in certain cases it was ?—No ; I did not accept that view.

170. May I know if you are aware that in all foreign countries practically, in Europe, America, France and other places, there are two Chambers ? Do you think that under the present conditions a second Chamber is necessary in India ?—I think so. I think that the present system of having the Council of State has worked well.

171. Do you think that the present period of the lifetime of the Assembly, viz. three years, is too short ?—I have not considered the matter. From what point of view do you mean ?

172. From the point of view of the difficulties connected with elections and also from the point of view of knowledge to be gained by the members for doing their work ?—Possibly four years might be more suitable ; but I have not considered the point.

173. *The Chairman* : I am very much interested in this matter which is raised. Might I just be allowed to make this observation ? You know perhaps that in England we have shortened the maximum life of Parliament now from seven years to five years, though that was done in connection with the Parliament Act which puts restrictions on the powers of the House of Lords, and I do not think you will find in England now any widespread opinion or any opinion worth speaking about in favour of a still shorter life for Parliament. I wonder how those who have got practical experience of the working of the legislature here will think of the three years' life ?

Sir Hari Singh Gour : The first year of the Assembly is spent in studying the problem ; the second year is utilised for launching Bills, giving notice of resolutions, etc. The Bills may not be introduced at all ; they may be crowded out or they may be postponed for the purpose of eliciting public opinion. In the third year the Assembly is dissolved and the members will be busy in going to the polls.

174. *The Chairman* : I rather thought that that might be the view reasonably entertained in some quarters. Would you tell me this : so far as things have gone on in the Central Legislature, is there a very great change in the personnel between one Legislative Assembly and another ?

Sir Hari Singh Gour : Yes, so much so that in the second Assembly there were only eight or nine members who belonged to the first Assembly.

The Chairman : I am not sure whether the implication of that question and the answer is quite obvious.

Of course if it could be said that at the end of three years when an election is held what happens is that the same set of people come back again, that may perhaps be an argument for extending the period ; but if even in three years the electorate thinks that they should have a different set of people, that may be an argument for not making the period too long.

Colonel Lane-Fox : The changes in the first and second Assembly might be due to the non-co-operation movement.

Sir Hari Singh Gour : The survivors of the first Assembly in the second Assembly were only eight.

175. *The Chairman* : Colonel Lane-Fox is right in saying that the second Assembly is not a good test, as there was a change due to the non-co-operation movement ; but take, for instance, the second and third Assembly : what is the result ?

Sir Hari Singh Gour : There are only three or four members left as survivors of the first Assembly, and if we leave out our Muhammadan brethren who come from special electorates, those who come from the joint electorates are only two, myself and Mr. Neogy.

176. *Dr. Suhrawardy* : What about the Swarajists ?

Sir Hari Singh Gour : They form a *bloc*. I am talking of the people of the first, second and third Assembly.

177. *The Chairman* : We may pass from personal experiences to the real question, the question raised by Sir Zulfiqar Ali Khan. It is a purely general point whether the experience goes to show that the present life of the Assembly is too short. I rather gather from you, gentlemen, that some of you rather feel that it is too short ?

Sir Hari Singh Gour : Yes.

178. *Dr. Suhrawardy* : The anomaly is that the Council of State has life for five years and the Assembly for three years. This practically excludes the members of the Council who wish to stand for the Assembly, as they cannot stand for election to the Assembly without resigning their seats in the Council of State.

Sardar Shivdev Singh Uberoi : Any one can stand both for the Assembly and the Council of State, and if he is elected in one he can withdraw from another.

179. Is there any rule prohibiting the appointment of an Indian as a Home Member in the Government of India ?—None at all.

180. Would you please tell the Conference whether there has ever been a Sikh Member of the Executive Council of the Viceroy either during the present Reforms or during the previous Reforms, that is, the Minto-Morley reforms ?—I do not think so.

Dr. Suhrawardy : During the Minto-Morley reforms there was not also a Muhammadan member.

181. Arising out of the question put to you by the Chair, may I ask you if it is not a fact that the emergency powers exercised by the Government have made Government less zealous in putting up a strenuous fight against the Opposition ?—I should certainly say not. The Government is straining every nerve to secure the support of the majority and is most reluctant to use the emergency powers.

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186. *Rao Bahadur Rajah* : Will you kindly tell me whether any member of the depressed classes was either elected or nominated in the first or in the second Assembly ?—(*Mr. Dunnett*) : I think there was none.

187. There was also none in the old Imperial Assembly ?—I think that is true.

188. May I take it that there was none in the old Imperial Councils ?—I think that is correct.

189. And the main object of nomination, I understand, is to adjust inequalities ?—Yes.

190. In 1927 a member of the depressed classes was nominated to the Assembly to represent that community which forms nearly one-fifth of the population of this country ?—The figure one is correct. I do not know about the percentage.

191. *The Chairman* : * * * It is a fact, is it not, that though there are so many members of the depressed classes in various parts of India, that there has been only one nominated member in the Assembly to represent them ?—Yes, sir.

Rao Bahadur Rajah : That is exactly my point, that such a vast humanity like that is represented in the Assembly by one member and such a thing could be found nowhere else in the world.

The Chairman : You have a larger constituency than any one in the world.

The Witness (*Mr. Dunnett*) : If you are interested, sir, there is of course an explanation for that. I wish to guard against any possible misapprehension on that score. The fact of the matter is that if you give more nomination, you will have to increase the elected members and have to revise practically the whole composition of the House. As you are aware, sir, the composition of the Assembly is based on provincial quotas, and the proportion of elected and nominated members is fixed. If we had given more than one nomination on that occasion, we would have had to increase the elected seats, and then we would have got in addition difficulties of distribution of seats between provinces, the Assembly being constituted first by allotting seats to the various provinces and so on.

192. *The Chairman* : May I mention in reference to what Mr. Dunnett has said what the provision of the Statute is ? These things of course are well known, but still even people who live under the law do not always know exactly what it says. The Statute says that the Legislative Assembly must contain 140 members as a minimum. In fact, as we have heard, it is now 145. But the point is that there is a further statutory provision that at least five-sevenths of the total number of members, whatever the total number is, must be elected. And I gather, Mr. Dunnett, your point was that supposing that you were, therefore, to increase the number of nominated members, as for instance in the direction which was suggested, the result would be that in order to comply with the law you would have to increase the total number of the House ?—Yes, sir.

193. Otherwise the five-sevenths rule would be broken ?—Yes, sir.

194. That is not in itself likely to give complete satisfaction to the view Mr. Rajah is largely representing. You will agree, I am sure, it is a poor answer to a number of people who feel unrepresented to say that if you want to be represented properly, I shall have to increase the number of members of the House ?—If the action of Government is criticised, sir, I would like to amplify my statement.

195. We are not attacking the Government. We are only pursuing the truth ?—The membership of the Assembly was fixed primarily by allotting a certain number of seats to provinces, and, therefore, we had to deal with all applications for increase bearing that in mind, and as soon as you start to increase the elected members you have got to put the whole thing into the melting-pot again and start raising the relative allotments to each province. In the second place, the Joint Select Committee of the Houses of Parliament laid it down that there should be no alteration for ten years. In these circumstances, when this claim to which Government was far from hostile, to which indeed it was very favourable, came up, we gave what we could. It is unfortunate that we could give only one seat, but for these two broad reasons our hands were tied and we could not go beyond one.

196. *The Chairman* : I think, Mr. Rajah, the witness has answered your question very frankly and fairly. (To the Witness) : You said two things. One thing was that the claim put forward for representation by the depressed classes was one, you thought, on which Government looked with favour, and you said secondly, I think, that it was unfortunately the case that at the time and in the circumstances you could only find room for one member. I take that to mean that if fortunately

there were more seats available for being fairly distributed, you might think that it was not unreasonable to help forward a larger representation of the depressed classes ?—My recollection of the papers, sir, is that if Government had had more at its disposal on that occasion, it would have given more.

197. So that if the Conference could enlarge the Assembly so that it was rather more than the present composition of the House you know nothing from the point of view of the Government which would resist the idea that the depressed classes should have fuller representation ?—That is what I have gathered from the past action of the Government, sir.

198. *Sir Hari Singh Gour*: What about the women of India ? Does that reason that the ratio between the nominated and elected members cannot be discharged because one more depressed class member cannot be nominated to the Legislative Assembly hold good for not nominating a woman member to the Assembly in spite of the resolutions passed ?

The Chairman: That is a wholly different point. I do not know whether you, Mr. Dunnett, are in a position to give us any information as to the reasons why or why not, or the view of the Government on that point. It is suggested that there is nothing in the law to prevent a woman being nominated ?—Well, sir, on that I am afraid I will have to take refuge behind a technicality. I have already spoken rather freely on the subject. The fact of the matter is that nomination is not a thing which is in the hands of the Government. It is not done by the Governor-General in Council. It is done by His Excellency the Viceroy.

Sir Hari Singh Gour: There is the resolution of the Legislative Assembly, sir. If only the women were present here to-day, they would have said a lot. In their absence I could only say this much.

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DELHI.

Dated, 23rd November, 1928.

Morning.

PRESENT:

ALL MEMBERS OF THE COMMISSION AND OF THE CENTRAL COMMITTEE.

Mr. H. G. HAIG, C.I.E., I.C.S., Secretary, Home Department, and Mr. J. M. DUNNETT, C.I.E., I.C.S., Officer on Special Duty, Home Department, Government of India—*continued.*

1. *The Chairman*: I think you were furnished with this note of some aspects on which we should like your help ?—(*Mr. Haig*): Yes, sir.

2. Let us start with the first point, which is a very important one. It has to do with the subject of Law and Order, and I will, for the purposes of clearness, state the present position and indicate two suggested lines of alteration, in order that we may have your view as to how the suggested alterations will work. The present position, as I understand, is that Law and Order is a provincial subject ?—Well, sir, it is not exactly put in that way in the Devolution Rules. It is not in those exact terms.

3. Let us put it in the right terms, then ?—Administration of justice, including constitution, powers, maintenance and organisation of civil and criminal jurisdiction within the province, and police, are definitely put down as provincial subjects. That is at page 205.

4. Yes. If I look at the Devolution Rules, which in the red book at page 200 begin with a list of central subjects, and at page 202 begin with a list of provincial subjects, I shall find among the provincial subjects, shall I not, No. 32, Police, and No. 17, Administration of Justice, including constitution, powers, maintenance and organisation of courts of civil and criminal jurisdiction within the province, and then No. 39, Prisons. Those, I think, are the sub-heads, are they not, of provincial subjects that are sometimes, for convenience, referred to as Law and Order ?—Yes, sir. The only point I wanted to make is that under central subjects we have No. 30, criminal law, including criminal procedure.

5. *Sir Arthur Froom*: And 31.—And 31, the central police organisation.

6. *The Chairman*: Yes. Then as that works out at present, as I follow, the recruiting of the police force that you find in a province, the organisation of it as you find it in a province, the paying for it, or at least voting the grants to pay for it as you find it in a province, and the use of it as you find it in a province, are all things that are done from the province and not from the centre ?—Yes.

7. Then when one says that Law and Order, if we may use that expression, is not only a provincial subject, but at present is a reserved subject, what one means, I think, is that it is not included in the schedule printed on page 209 of provincial subjects for transfer ?—Yes.

8. It follows that as it is not transferred it remains reserved ?—Yes.

9. That is the present position. And, of course, a very important subject in the present constitutional inquiry is the question whether that position as regards Law and Order should continue or whether it should be changed ?—Yes.

10. Now it seems to me up to the present that the suggestions for change broadly speaking take one of two forms. There is the suggestion that this subject of Law and Order should remain provincial, but should pass, as transferred subjects have already passed, into the control of a minister who is answerable to the provincial legislature. That is one suggestion. Another suggestion which is made about it, again expressing it in quite general terms, is that there might be a change in the present position, but that the change should take this shape, that Law and Order should be centralised. Well, I think what would be very useful to the Conference would be to know from you, and from Mr. Dunnett if he wishes to add anything, how either of those suggested alterations might be expected, as a matter of working, to affect the central administration. Which would you think it convenient to take first ?—Perhaps we might take the suggestion of Law and Order as a central subject.

11. I think so, yes. For the moment we might take it rather broadly, not taking the smaller points, but let us have your help as to how it would affect the working of the constitutional machine.—The first point that strikes me about that is to what

extent is it contemplated that the Central Government should really administer this subject in a direct way. India is a vast country, of vast areas and populations, and any scheme which contemplated a Government sitting in the centre really directly administering the forces of Law and Order would be, I think, impossible. I take it that the suggestion really is rather that the Central Government would employ in the provinces agents with very wide powers; in other words, that it would be something like the system that prevailed in a Lieutenant-Governor's province before the Reforms, when the Lieutenant-Governor was not in a position of such independence as the Governor in Council now is in relation to the Government of India, but at the same time he had full authority to deal with his local problems, and to administer the forces under him: it merely meant that he had to refer more questions, perhaps, of policy and of detail to the Government of India. Would that be the kind of idea contemplated?

12. Well, it is a very natural question for you to ask. Those, or most of those, who have made this suggestion to us have not, I think, worked it out in much detail, but let me suggest two or three compartments which have to be analysed. You have mentioned one. You have mentioned the actual directing head, and you point out that the day-by-day work of the police under orders given to them in view of special difficulties or emergencies could not, as a matter of practical arrangement, possibly proceed from the secretariat outside this building. That is quite plain. There are, however, one or two other important heads. There is, for instance, the financial side. Not always but generally speaking one would imagine that control, or at any rate ultimate authority, would be found in the same centre as financial provision?—Yes.

13. Another important part of it, I should have thought, is not so much the directing of what the police should do, but the authority which sees that they are efficient, by inspection or the like, or which lays down the broad principles on which they are recruited?—Yes.

14. There seem to be those three branches, are there not, when we consider the way in which a police force might be organised and controlled?—Yes.

15. There is first of all the organising of it and retaining its efficiency; there is secondly the paying for it; and there is thirdly the directing of it as an agency for preserving the peace?—Yes.

16. Those seem to me to be the three big things; do not you think they are?—Yes.

17. I do not know whether, with that suggestion in your mind, you can help us a little further. You have mentioned the third, that you could not possibly have, as a practical matter, directions from Delhi or Simla?—No.

18. That is clear, even in the little island I come from. The Metropolitan Police, it is true, is directed from the Home Office, but it is only in a limited area, around Charing Cross, and all the other police forces of England, as you know, are forces which are really directed locally?—Yes.

19. Now, what about the centre as the place which secures that the force is efficient and is recruited on proper principles?—Yes. That is, the centre could lay down certain principles for the organisation of the police forces in the provinces, could, through reports received, satisfy itself that the force was reasonably efficient and adequate in numbers for its work; but I do not myself contemplate that it would be possible to have anything in the nature of inspecting officers going round. I do not know whether anything of that sort would be contemplated.

20. I see that difficulty. At present the Inspector-General of Police in each province is an extremely important person, and he is, of course, a provincial authority?—Yes.

21. I gather you would feel some difficulty in turning the Inspectors-General of Police of the different provinces into central officials?—Well, I think that you must have a superior authority in the province under whom the Inspector-General of Police would be working; that is to say, he could not work directly under the Government of India, and must, in effect, work under an officer like a Governor.

22. We had better not go into the financial side of it in detail now, because it is part of a larger question; but obviously there is that difficulty too. I suppose those who suggest the centralisation of Law and Order may be contemplating that the payment for Law and Order would proceed from central funds. Do you think so?—I think it would have to in any scheme of centralisation. After all, if the Central Government are to dictate the cost of the police, they must find the finance.

23. That breaks up a little of the ground and helps one to see some of the difficulties. Do you feel able to say something about the other suggestion, so far as the central administration is concerned? I am not proposing to ask you what your own opinion is, as a matter of wise policy, on the question whether Law and Order in a province should be transferred. We have already had some views—conflicting views—about that, and we shall have more; but what I mean is this. Suppose for the sake of argument that Law and Order is no longer a reserved subject, but is transferred and is under a provincial minister: can you tell us, from your knowledge of the machine, the directions in which that would affect the central administration?—At present I think the Central Government, in matters of Law and Order, acts on the provinces in two ways. In certain matters it lays down general lines of policy which the provincial governments are expected to follow, normally, of course, after consultation with the provincial governments; and in the second place the Central Government is kept closely informed of the administrative incidents which arise rather frequently in India, and they frequently make such suggestions as they think are called for, suggestions which the provincial governments, unless there was some very clear reason to the contrary, would naturally accept. I do not know to what extent that degree of direction and control which I should consider as essential could be maintained if the Central Government were dealing with a responsible executive in the province.

24. Will you explain to us a little more fully what happens now? I do not want you to take any particular instance at all, but will you explain the usual course followed in the ordinary way by the existing mechanism? Let us suppose that in some province or other difficult questions arise or are threatened which may call for the effective intervention of the police. It may be due to communal feeling or to some special course of events or what you please—something, I mean, which is not merely the ordinary day-by-day trouble. What in fact happens now? As things are Law and Order is a reserved subject, and there will be a Member of the Governor's Council (he may be a European or he may be an Indian) who is in charge of the subject?—Yes.

25. How far is there communication between the provincial Government or that Member and the Government of India?—There is very free communication on any matters of importance.

26. Does the communication from the centre as a rule take the form (no doubt after consultation) of giving orders, or does it take the form merely of offering counsel?—Usually the latter; in fact, I cannot remember any case in which the Government of India actually had to give orders in the kind of matter to which you are referring.

27. I can quite see that it is useful, and may be very important, to have the advice which can be given from head-quarters, but I am not clear at the moment how far the Central Government can be said by that means to be influencing the action of the police in a province?—I think where necessity arises it can influence it very considerably, and there is always in reserve the power of giving orders; but it

is not really necessary to employ that power, because everybody understands the position. If a strong suggestion were made to the local Government, they might write back and say they did not like it, but if the Government of India persisted they would have to do it, and they recognise that.

28. I should like to point this out to the members if the Conference. We have all got this red book* in front of us. The thing really turns on this. Rule 49 of the Devolution Rules (page 199, bottom of the page), which is headed "Limitation of control," says: "The powers of superintendence, "direction, and control over the local Government "of a Governor's province vested in the Governor-"General in Council under the Act shall in relation "to transferred subjects be exercised only for the "following purposes," and then follow some purposes. The effect of Devolution Rule 49, therefore, is that once a particular subject passes from the reserved to the transferred field the superintendence, direction, and control exercised over that subject by the Central Government are very substantially relaxed: is not that so?—Yes.

The Chairman: My colleagues will remember the reference in the Rule to the powers of the Governor-General under the Act is a reference to section 33, which is printed on page 67.

Lord Burnham: It is on page 86 of the Government of India Memorandum.† Page 86 deals with the relations with provincial governments.

29 *The Chairman*: It looks as though this was the result, unless the Devolution Rules were recast: that if you were to transfer Law and Order in a province to ministerial control, then, except for the particular purposes mentioned in Devolution Rule 49, the superintendence, direction, and control of the Governor-General over the subject would cease?—Under the existing Devolution Rules, yes.

30. It is perhaps convenient to mention (I dare say my colleagues see it) what the exceptional cases are in which, under the Rule, there may still be superintendence, direction, and control from the centre, notwithstanding that the subject is transferred. They are "(1) to safeguard the administra-"tion of central subjects." To give an example, supposing the railways were so badly guarded that serious riots were likely to break them up, then apparently, the Central Government would still, under that, be entitled to superintend, direct and control the police force, even though it was transferred?—Yes.

31. That would be an example, would not it?—I think so.

32. Secondly, to decide cases arising between two provinces, when they do not agree. I can imagine a dispute between two provinces as to which of the two police forces was really to blame because of some trouble on the border between them. That would be an instance?—Yes.

33. Or "(3) to safeguard the due exercise and "performance of any powers and duties possessed "by, or imposed on, the Governor-General in Council "under, or in connection with, or for the purposes "of" one or two sections of the Act. Those would not have any special application here, would they?—I do not think so, except that I think that last clause has reference to the services.

34. That seems to be the interesting point, then, from the point of view of the Central Government. I suppose the observation you made just now was intended to call our attention to this, that if there is a recasting in this respect of the Constitution it might be accompanied by a revision of the terms of Devolution Rule 49?—I wanted to emphasise that point. I find it difficult to contemplate a system under which, whatever may be the form of the provincial government, the Central Government should not have pretty free powers of control in matters of Law and Order in the last resort.

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35. *The Chairman*: * * * It has been pointed out at some of our sittings elsewhere (I remember a member of the Central Committee pointing it out) that if you are considering the transfer of Law and Order from a Member of the Governor's Executive to a minister, it is material to think out what effect that might have if, as unfortunately sometimes happens, the forces of law and order require to be supplemented by the military?—Yes.

36. Has that got a bearing on this?—I think it has a very definite bearing. After all, the military are in this country the reserve force for the maintenance of law and order, and an uncontrolled policy by a provincial Government might very seriously affect the demands made on the military.

37. This is the sort of way in which it was suggested, I remember, in one or two questions in the provinces. It was said: "As things are, and as long "as Law and Order is a reserved subject, it is not "very difficult to secure without friction the co-"operation, in case of need, between the police and "the military."—Yes, that is so, sir.

38. Because the Army is a central subject, and its organisation and distribution, therefore, can be controlled by the centre; and as long as the Police is a reserved subject in the province, the power of the centre to superintend, direct or control the police in case of need enables the two forces to be co-ordinated?—That is perfectly true.

39. That is the sort of way in which the question was put. I think it was carried a little further by one or two questions; it was suggested that, supposing the police force in a particular province became inefficient, or supposing that the legislature in the province was rather disposed to take the view that money ought to be saved on that force, there might perhaps arise a situation where the military arm was called upon sooner than it ought to be?—That is very possible.

40. I am not making any criticism myself; I am merely trying to summarise the sort of difficulty that might arise.—That is the sort of problem which would undoubtedly arise, I think.

41. What strikes me about it, and what probably strikes all my British colleagues, is this. India is a country in which the army is not only here for purposes of external defence, but is in fact a potential reserve that in extreme cases may be useful for the purpose of restoring order, or preventing outbreaks of an extensive kind?—Yes.

42. And therefore the relation between the police arm and the military arm may perhaps be more intimate in a country like India than it is, for example, in a country like England?—Yes.

43. That is the thing that one has to consider?—Yes.

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45. *Lord Burnham*: I should like to know from you, Mr. Haig, how far the general powers of the Governor-General in Council set out in section 59, of taking over, where necessary, the administration of any part of India, would override any limitations in case there were transfer of Law and Order to a responsible minister. That would still remain, of course?—Yes. I suppose that section could be used for superseding the administration? I think it probably refers only to outlying districts. I imagine that is its intention.—(*Mr. Dunnett*): The sort of case to which this applies is such as the creation of this new province here, the new province of Delhi.

46. *Lord Burnham*: Well, it says "any part of "British India." I have no doubt you are right; I am only seeking light.—(*Mr. Haig*): I do not think it is intended for that purpose. That is my impression.

47. Then, of course, I take that as being an answer. I should not have thought, as a matter of interpretation, it was so. The point of the question is, then, there would be at present no power, except for the reasons specified, in the Governor-General in Council

* The Government of India Act.

to overrule executive decisions as to Law and Order, supposing it became a transferred subject?—(*Mr Dunnett*:) In the course of this discussion, in previous suggestions that have been made, the suggestion has been made that you can take the risk of mal-administration of Law and Order in the provinces provided you retain the present power of resuming the temporary administration of these subjects, as has been done in transferred departments.

48. Yes, but that is in the local government?—Yes.

49. I understand that. I was rather dealing with the power of the Governor-General, just to try to bring out the provisions of the Act.—May I suggest, Lord Burnham, that the intention of people who argue on those lines is: Take the risk, and when things get bad, then, on the analogy of the temporary administration of transferred subject for a time, resume in the province the administration of Law and Order into the hands of the Central Government in a manner similar to the section you have quoted.

50. Of course, the obvious danger is that a whole region might be in a blaze while you waited for these curious processes?—Yes, but I think the answer to your question is that constitutionally that is a possible device.

51. *The Chairman*: I agree with Mr. Dunnett's answer that constitutionally that is perfectly possible. But the thing that has to be considered is not whether there is a constitutional power to do it, but whether, having regard to the subject-matter and to the nature of the situation, which is assumed as calling for the exercise of that power, it is a very practical method. Is not that so?—I would myself be inclined to doubt whether, at least in these circumstances, it is possible to separate the administration of Law and Order from other provincial administration, and I would be inclined to suggest that if anything of that nature is possible, it would mean the total resumption of the whole provincial administration. I doubt whether, in such circumstances, you could resume the administration of Law and Order only; that is to say, I would be inclined at present to think that that device would mean, in effect, a temporary suspension of the provincial constitution *in toto*.

52. *Lord Burnham*: As in the case of Bengal recently?—That was transferred subjects. There the separation is possible; but I am suggesting that in such circumstances as you contemplate, Lord Burnham, the resumption of administration or withdrawal of administration of one subject, Law and Order, would not be possible; it would probably require a suspension of the whole provincial constitution.

53. Even under the best arranged system of agency, or some other device for the practical working of Law and Order as a central subject, do you think it would meet the case in what is said to be (in many parts of India) a very excitable country: that is to say, would not the occasion rather outstrip the machinery at times, rather get beyond the machinery?—I am inclined to think so.

54. *Colonel Lane-Fox*: Might I follow that point a little further, about what would happen in case of Law and Order not being administered in what seemed to the Central Government a satisfactory way in a province. You suggested that the Rule might be strengthened, re-cast, so that the Central Government might be given power to deal with a situation of that sort?—(*Mr. Haig*): Yes.

55. Well, that would not be enough by itself; but could not the situation be met by giving the Governor of the province increased power to deal with that particular subject in a case of emergency, so that then the Central Government would have to deal with him and his executive without actually overthrowing the whole constitution?—Yes, I think in practice that would be the way in which the control would probably be exercised.

56. That would be a much easier way than suspending the constitution?—Much.

57. That would seem to be the simplest way to do it?—Yes.

58. And if the Governor had those powers, then in case of conflict he would exercise them subject to the direction and advice of the Central Government. Would not that be the easiest way?—I think so.

59. *Major Attlee*: Looking at a possible constitutional development rather in a large-scale view, supposing Law and Order were transferred to ministers in the provinces, are not you going to leave your Central Government very weak? Supposing, rather after the manner they have in the United States, where I fancy the Federal Government is extremely weak, because it has got to do everything through the State Governments, you transferred Law and Order to the provincial Governments, would not you be landed here in rather that position unless there were some power of Law and Order in the Central Government?—Well, that is really the point I have been trying to make. I could not see how you could transfer Law and Order in the provinces unless you retained the full powers of superintendence, direction and control that the Government of India at present exercise on the reserved side; and I was suggesting that there might, of course, be considerable difficulties in practice in exercising that control over a popular Government.

Lord Burnham: May I interrupt only to say, in confirmation of what you say as regards America, they set the Federal police different duties from those of the State police, and in New York they came into conflict.

60. *Major Attlee*: That is precisely the point I was trying to lead up to. Is there any possibility of having a police force for special purposes in the hands of the Central Government strictly for certain limited activities?—I hardly think it would be satisfactory to split your forces of Law and Order in that way. In practice, of course, as we were saying just now, the real reserve force in the last resort is the army, and that naturally remains always in the hands of the Central Government.

61. Yes, but that is exactly where the difficulty comes in, because it is a reserve force that it is extremely difficult to use in the event of any conflict of opinion being rather strong between the central and the local governments, and it is one of the difficulties, as you know, with regard to any constitutional evolution. The point I was making was whether it was possible, in your view, to have a force in the hands of the Central Government that would be something intermediate between having to call in the troops and the use of the local police force in the provinces?—Would that force only be used under the direct orders of the Central Government, because that might lead to most unfortunate delay? One wants to have a force that is available under the hands of the local people, and can be employed at once, because it is extremely important in all these matters to stop the thing at the very beginning. If it is once allowed to gather strength it spreads. The important thing is to act at once.

62. Yes. I take it, though, that the idea would be that this would be an emergency force, that the original trouble would be dealt with by a local force, but if the situation gets bad, then I think the provincial Government here consults with the Central Government to-day, does it not?—Yes, it would; but, of course, the provincial Government at the present time has complete authority to call for the assistance of the troops, and not merely in suppressing disorder, but in preventing it, and they do use troops very freely, and it is very important that they should be used at once. Very often a display of force beforehand will prevent matters issuing in a riot.

63. Exactly, but I was making an assumption of what is roughly known as provincial self-government, and one sees at once there the difficulty of a popular ministry having the power to call in troops. There has been trouble overseas in one or two cases and

that is exactly where the difficulty I see comes in ?—Yes, I see that. (*Mr. Dunnett*): I understand Major Attlee contemplates a sort of reserved central police force to be used to assist the provincial force as a way of getting out of the use of troops. Lord Burnham, and I think Major Attlee also, mentioned the case of America. As I understand it, in the case of America and Australia, and I think most true Federal Constitutions, the central arm can interfere only at the request and on the invitation of the State. For instance, the Chicago riots of 1861 were quelled by federal troops on the invitation of the State. Bryce is my authority; the federal arm intervenes only by invitation. It is the same in Australia.

Lord Burnham: I think in the case of bootlegging, of which I was thinking, other considerations arose.

Mr. Dunnett: It is in Bryce's second volume. I think there is a constitutional provision to that effect, that help may be given only on request.

Lord Burnham: I am informed * * * that in New York there are special federal police for bootlegging purposes which act directly in the State of New York.

64. *Major Attlee*: That brings out the point I wanted to make. The criticism has been made very often of the United States Constitution that they are so extremely weak centrally, and where you have a law passed like prohibition, which is received gladly in some States and—shall we say—less gladly in others, the central government has no power because the local police will not enforce it. Taking the parallel here, you might have similar cases of the central legislation laying down things which would normally be performed by the local police, but in case of neglect you might want to have some weapon in the hands of the central authorities which was not so drastic as the introduction of troops ?—That raises the very difficult question of separating the administration of justice and the legislation. At present the legislation for criminal justice is central, while the administration is provincial. Here we have what is not a feature of other Constitutions, a separation, with the legislative power in central hands and the administrative power in provincial hands. If you make a clean cut between the two authorities you raise these difficulties. I should like, following the line you yourself raised of a central force, to say that that problem has given me the occasion to carry out some research. Take the case of Canada. In Canada the arrangements are very similar to those at Home. There is a single central force, corresponding to the Metropolitan Police, and known as the Royal Canadian Mounted Police; apart from that the police (as I understand it from the last Canadian Year Book) are either municipal or county, as at Home. There is, however, an Act which I find in their Revised Statutes (it is not referred to by Keith and other authorities) which gives them authority to set up a Dominion police force. I have not been able to work that out, but the mere letter of the law as it stands seems to me to suggest that there is a power in Canada of the nature you contemplate, and that Act about a Dominion police force gives them power to set up police magistrates, and one section of it, section 4 or 5 says these magistrates are to have certain powers, including the power to appoint constables. It seems to me, therefore, that something of the nature of what you have in mind, Major Attlee, is on the statute book in Canada; but it is clear that the administrative arrangement in Canada is not of that nature, but is similar to the arrangement at Home.

65. The point you make about legislation and administration is because here you are working the other way round. There you have States and you have federated them; here you really had a government that was deconcentrated, but not a real decentralisation. If you are moving towards decentralisation (which is what provincial autonomy and that sort of thing means) you have to see how that particular arrangement of the separation of legislation and administration is going to work ?—I should like to make one subtraction from what I have said, and that is that the position as regards police legislation is different. We have at present a general All-India Police Act. It is not of universal application, but may be extended. Its extension is permissive. It has in effect been extended to four or five provinces, but other provinces have provincial Police Acts governing the organisation, powers, protection, duties, etc., of their police. Some of these Acts are anterior to 1861, and therefore may not be amended by provincial legislatures, but otherwise the legislative power for the police is in the provinces. (*Mr. Haig*): The real, practical difficulty I feel about your suggestion is that you have, *ex hypothesi*, a serious situation to be dealt with, and there would apparently be two forces, under two different controls, being expected to deal with it. It seems to me that is going to lead to inefficiency and friction. You cannot maintain a Central Government force which would be sufficient by itself to deal with all emergencies; that would be extravagant and would mean duplication. On the other hand, you might find, if the situation developed through the reluctance of the local government to deal with it properly, that they might not be prepared to place their local force unreservedly at the disposal of the Central Government. That is the sort of practical difficulty I feel about it.

66. From the point of view of expense, you might save on troops if you had a federal police force ?—Possibly, but you would have to maintain a very substantial force.

67. Has it ever been considered, with regard to the control of law and order, whether it would not be possible to keep some central control by having a definite proportion of the expense of police forces paid from Central Government funds, subject to efficiency and so on, after the manner we have at home in regard to the local police force ?—I do not know whether that has been considered. (*Mr. Dunnett*): On the financial side there is some mention of it in the financial memorandum—the grant-in-aid system. I think in effect, looking at it from the provincial point of view, a grant-in-aid system would involve closer control than our present powers of superintendence, direction and control. It would probably involve inspection, which is not a feature of our present system, and I think possibly it would effect a more severe limitation on provincial autonomy than the powers we possess now in the manner in which we now exercise them.

68. *Mr. Hartshorn*: I understood you to say, Mr. Dunnett, that if Law and Order were transferred to a minister responsible to a provincial legislature, and powers were vested in the Governor-General in Council, in the event of that service breaking down, for the centre to take it over, that that would involve the complete suspension of the whole provincial constitution ?—I am inclined to think so, yes.

69. Can you tell us why you think the one could not be done without the other ?—For one thing, these Law and Order problems hardly ever arise in isolation. They do not arise, for instance, because people want to fight; they arise on account of religious matters, revenue matters or some other aspect of the administration. I have a general feeling that the isolation of Law and Order from other aspects of administration is very difficult. Secondly, the administration of Law and Order is in effect carried on not only by the police but by a number of other establishments who assist them—the subordinate revenue establishment, for example the *lambardars*, *zaildars*, etc. I very much doubt whether you could simply take over the Police and Law and Order and leave the rest provincial.

70. *Colonel Lane-Fox*: Would not it be possible, if a provincial Governor had sufficient powers, for him to take over that branch of administration without the whole constitution being suspended ?—The method is similar to the present method in the

transferred departments, where not only is there Rule 49 but also the power in the Governor to act otherwise than on the advice of his ministers. There it has been possible to take over the administration of all transferred subjects, but I do not think the Constitution contemplates, or that it is practicable, to take over a single subject; but I am not sure on this point.

71. Why should not he leave Education alone because he wants to deal with Law and Order ?—Yes, possibly the present distinction between transferred and reserved subjects might be respected, so as to leave some subjects similar to transferred subjects with the provincial Government, but even these might be the occasion of the disturbance of law and order which necessitated this special action.

72. *The Chairman* : We have got to be a little precise about this matter, and I am not sure I have quite understood your last reference to the present statutory provisions. You know them very well; just tell me if I have got them right. I understand the present statutory provision which may be vaguely described as suspending the ordinary administration is of this sort. In Section 52 you have a provision that the Governor of a province in relation to transferred subjects may disregard the advice of his ministers and require action to be taken otherwise than in accordance with that advice if he thinks necessary, and that is all ?—Yes.

73. Then you have a further proviso that if, owing to a vacancy (this was the Bengal case), there is no minister to administer a transferred subject, the Governor may temporarily administer the transferred subject; but there is nothing more, is there ?—No.

74. That is all it is. The Bengal case was a case, if I remember aright, in Lord Lytton's time, when (for special reasons into which we need not go) there was no minister holding the office, and consequently, it being a transferred department—education, I think—Lord Lytton for the time being was his own minister, so to speak. The only other instance I know of at the moment in the statute book is that in relation to transferred subjects the Governor may if he thinks sufficient cause for it exists dissent from his ministers and act otherwise than as they advise; but do you think that kind of provision could have in practice application to the case of Law and Order ? I am not quite clear what the Governor could do ?—(*Mr. Dunnett*) : When I perhaps rather hastily used the words " the " suspension of the constitution " I had in mind really not so much this question as the fact that the constitution does permit of suspension because the transfer is made under rules which may be altered.

75. *The Chairman* : Does not that involve not only drawing up new rules but laying them before the British Parliament ?—I am not sure about these particular rules. (*Mr. Haig*) : Just to clear up the position, I might read from Devolution Rule 6, which authorises the Governor-General in Council " with " the previous sanction of the Secretary of State in " Council to revoke or suspend for such period as " he may consider necessary the transfer of all or " any provincial subjects in any province, and upon " such revocation or during such suspension the " subjects shall not be transferred subjects."

76. That is Devolution Rule 6 ? I missed that. —Yes, that is Rule 6.

77. I am obliged to you. Mr. Dunnett, what you are referring to is that the Rules themselves are capable of being altered ?—(*Mr. Dunnett*) : Yes, really Mr. Haig took the point I had at the back of my head. But there is a power of suspension, sir. I am afraid that is not an answer to your question. The question was whether this power of the Governor to reject the advice of his ministers might be made applicable to the case of Law and Order if transferred ?

78. What occurs to me is this. As long as you have got the provincial government in two parts, the Governor and his colleagues on the reserved side as well as his colleagues on the transferred side, I can understand the arrangement, a practical arrangement whereby if the advisers on the transferred side in extreme cases disregard his advice the Governor has other instruments through whom he can act. If you are going to have all the departments transferred, I am not at present quite clear as to what is meant in practice by saying that the Governor might be given power by rule to act himself. How could he act ?—(*Mr. Haig*) : He will have the machinery. (*Mr. Dunnett*) : The case is different of course. In the case where he simply rejects the advice of ministers and orders action to be taken otherwise than on that advice, then I presume he does it through the ministers' machinery. It is accepted as the order of the Government and carried out in the ordinary way. In the case where there is a suspension and therefore no ministers, I imagine the arrangement would provide for the continuance of the service acting under the orders of the Governor as in the past before suspension they had been acting under the orders of the minister.

79. *Major Attlee* : You are contemplating all through that the trouble likely to arise is a sudden outburst or something of that sort ?—No.

80. It rather suggests to my mind that supposing you had such a letting down of the police force the Governor would find the weapon broken in his hands. Is that not a possibility ? The council might refuse to vote the money ?—That raises the whole question of intervention for the general purpose of the maintenance of provincial standards, and I think, sir, that would require rather an elaborate description.

81. *The Chairman* : It is useful to hear that, and I should be very grateful indeed to have light thrown on it.—Perhaps my idea would be clearer if I take the present case of the transferred subjects. To my mind it is not perhaps inaccurate to say that the control of the Government of India over transferred subjects administration—I am referring to the exercise of Rule 49—is for one purpose only, that is to say, for the protection of extra provincial jurisdiction. I think the common feature of these provisions is the protection of jurisdiction which is not that of a province. The maintenance of standards of good administration in transferred departments in my view is entrusted not to the Government of India who has no concern with it but to the Governor under this section 52 interpreted in terms of his instrument of instructions.

82. Sub-section 3 ?—Sub-section 3—the power to disregard the advice. He works that in the spirit of his Instrument of Instructions in which he is charged with maintaining good standards of administration, financial stability, financial probity, co-operation and goodwill among all classes and creeds, absence of monopoly, and so on. The Government of India does not concern itself with transferred departments for these purposes in order to maintain provincial standards. That is the control of the Governor. Now, if we presume that Police were completely transferred, that is to say, that there is no power in the Government of India to superintend, direct and control the provincial administration of Law and Order, then I think the effect would be that the Central Government would be concerned only in protecting these external jurisdictions or such interests as the Secretary of State had in the services or settling disputes between provinces. It would not be the Central Government's concern even if the standards of efficiency of police administration declined.

83. *Major Attlee* : Not even if it affected central subjects like Railways and so on ?—Then of course that will be the protection of outside jurisdiction. But generally as a matter of simple standards of provincial administration, on the analogy of the transferred departments now, the Central Government would not be interested. Have I made my point, sir ?

The Chairman : I think you have.—In Education, to my view the Central Government would not be

entitled to interfere and say, " your percentage of " literacy of 6 per cent. is not enough. You must " put it up to 10," Rule 49 does not cover that.

84. Taking Education as an example, a subject which is now transferred, the Central Government does not consider it any part of its duty to intervene to secure the attainment of a particular standard. Then, by analogy, supposing Law and Order was transferred you suggest that the Central Government again would not intervene for the purpose of securing that standard. Is that your point ?—That is so, sir.

85. *Sir Arthur Froom* : I think I understood you, Mr. Haig, to say that we cannot have a Central Government in this country which would assume a detailed administration of control of Law and Order in a province ?—(*Mr. Haig*) : Yes.

86. I also understood you to say that at the same time the Central Government must retain some control ?—Yes.

87. And in the past this control has usually been one of advice ?—Yes.

88. May I ask why you advise ?—The advice is given on the understanding that it can, if necessary, be imposed.

89. Perhaps the advice is followed by instructions. I think there have been cases where a province has objected to the advice of the Central Government and then orders have followed ?—I think that is probable.

90. During our present tour we had suggestions for full provincial autonomy including the transfer of Law and Order. We had also suggestions for full provincial autonomy but that Law and Order should not be transferred. Now to take the first suggestion, can you say whether the minister can carry on the administration of Law and Order without any friction in view of the fact that you attach great importance to the control of the Central Government ?—Of course it depends on the attitude that a responsible minister adopts towards Law and Order ; that is a matter of speculation.

91. Supposing a minister wanted to take one line of action and the Central Government did not approve of it, there might be friction ?—Yes, there may be friction, and I suppose the possibility of the minister resigning too.

92. I think your insistence of there being some degree of control with the Central Government practically shuts out any idea of the transfer of Law and Order to a minister ?—I will not go as far as that ; I think there are distinct difficulties which have got to be considered and faced.

93. You say that there may be some friction ?—Yes.

94. Take the other view which I have already mentioned. Some witnesses who appeared before us wanted provincial autonomy with the exception of the transfer of Law and Order. They do not want any form of provincial diarchy such as exists at present, i.e. Law and Order being a reserved subject. Can you suggest any method to this Conference how you can help those people who hold the view that there may be full provincial autonomy but that Law and Order should not be transferred and at the same time want that the present form of government should be wiped out ?—What you contemplate is complete responsible provincial government with Law and Order excluded entirely from its purview. The provincial legislative council would presumably have nothing to do with the voting of the money and would not be able to discuss the action of the executive or its policy nor would any proposals for legislation come before it. Well then, you would have to have, as Sir John Simon made clear at an early stage, the legislation and finance and the general criticism of the government's policy conducted presumably in the Central Legislature.

95. There is criticism now ?—Yes. Perhaps it may not be so great. Then you would presumably have the Governor with, I suppose, somebody corresponding to an Executive Councillor administering exclusively in the province but receiving reasonably close supervision from the Central Government. That is the only sort of scheme I could contemplate. I do not say that it is either a good or a bad scheme, but that is the sort of thing which presents itself to me.

96. It is rather short notice for you to put forward fully the scheme. But that is the scheme that you contemplate might be carried out to meet the views of people who would like to have full provincial autonomy without the transference of Law and Order ?—I should imagine that that would be the kind of general form such a scheme would have to take. I have no doubt that criticisms would obviously occur. There would be, for instance, no very clear connection between the policy of a responsible provincial government and the maintenance of law and order ; and that is a matter which might lead to considerable embarrassment. If I might give an example, I would cite the Bardoli agitation, which might have had very serious effects on the maintenance of order, which arose out of the land revenue policy which, I suppose, under the scheme would be in the hands of a responsible provincial government. This merely suggests itself to me. I do not know of course what powers you would propose to give to the Governor in regard to his responsibility to the provincial Government—whether he would be able to influence its policy or whether it would be working quite separately.

97. *Mr. Cadogan* : You contemplate still a very large measure of interference and control in day-to-day administration from the Central Government ?—Under a system like that the control from the Central Government would probably be more close than it is now.

98. *Sir Arthur Froom* : In the picture you gave us, you think there would be some trouble because the minister who controls land revenue has to apply to those responsible for administering the police for further safeguards, if necessary, if he wants to carry out his policy. I put it to you that those are similar to what might happen now. When the ordinary civil control gets out of your hands you have to apply to the military ?—What I meant was that there ought to be some kind of link between the policy of the provincial Government and those who are responsible for law and order.

99. *Lord Burnham* : Under a scheme of that sort, as a precautionary measure, is there not the possibility of calling in the military force sooner than would otherwise be ?—I should not think so, because there would be the closest relation between the Governor and the military authorities.

100. Because of centralisation ?—I am contemplating that in practice the centralisation could not go very far and that you would have to have a responsible agent who would be the Governor.

101. Then it would be going on more or less as it does now in an altered form ?—Yes, except that the local criticism and the local budget and so on would be removed up here.

The Chairman : You, Sir Arthur, happened to have used a phrase that Mr. Haig has given us a scheme. I think it would be just as well to put on the record what we understand him to say. Mr. Haig is not proposing anything ; he is only endeavouring to help us with his experience, given the conditions which you have defined. I am saying this because I do not want the public to suppose that Mr. Haig has given us any scheme of his own.

Mr. Haig : I am very much obliged to you, sir, for clearing up the position.

102. *Mr. Kikabhai Premchand* : If Law and Order is not transferred, autonomy in the provinces will only be in name ?—I do not think so ; there are other important subjects.

103. Would you agree to the transfer of Law and Order if the judiciary is placed under the High Court, responsible for higher judicial service to the Government of India, where the political bias of the legislative council or the Minister for Law and Order

cannot have any influence ?—I do not think the main difficulties concern the judiciary so much as the ordinary maintenance of order.

104. The actual administration of the judiciary is now under the High Court. Would you not transfer to the minister the higher judiciary ?—No.

105. If the Police department is transferred to a minister for Law and Order with a provision that the Governor shall have a final voice in this department, have you any objection to the transfer then ?—My difficulty is if the Governor has a final voice what becomes of the responsibility of the minister to the council.

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108. *Sir Hari Singh Gour* : Within the last twelve months how often has the military been called out to assist the civil authorities ? Have you any idea ?—No, but of course within the last two or three years they have been utilised very freely.

109. I know that, but what would be the number of occasions when, say within the last three years—roughly, I do not want actual statistics—they have been called ?—I do not know. I should think perhaps a dozen times in a year.

110. *Colonel Lane-Fox* : When the troops left their quarters ?—Yes.

111. *The Chairman* : In the whole of India ?—Yes.

112. My recollection is we were told when we were in the Bombay Presidency, that since the introduction of the Montford reforms the number of occasions in that Presidency was exceedingly small ?—(*Mr. Haig*) : I think they were more frequently used in Bengal, the United Provinces and the Punjab than in other provinces.

113. *Sir Hari Singh Gour* : As a matter of fact the civil authorities in all the provinces are empowered to call in the aid of the military without previous reference to the Government of India ?—Yes.

114. When the civil local authorities in the province call in the aid of the military without reference to the Government of India, does the Government of India by any rule or order call upon the provincial Government to report the circumstances in which the military was called out ?—The circumstances are always reported.

115. Are those circumstances scrutinised ?—Yes.

116. Is it done with a view to ratify ?—No ; simply a close scrutiny is kept.

117. That is only, as a matter of fact, for record ?—Yes. The Government of India have to satisfy themselves that the troops have not been used unnecessarily.

118. Has there been any occasion during the last three years when the Government of India after scrutiny found that the troops were not necessary but were still called in ?—No, I have no recollection of such a case.

119. I can take it that the provincial Governments can be trusted to use their discretion—and have in the past used their discretion—wisely in calling in the military ?—Yes.

120. Therefore the intervention of the Government of India is very remote ?—Yes.

121. If Law and Order was made a provincial subject and transferred to the charge of the ministers and the provincial Governments continue to act as they have been acting in the past, then you do not anticipate any serious danger to the transfer of Law and Order ?—You would then have a popular authority instead of the official authority calling in the military.

122. Let us concentrate on that. At present the action of the Member is not subject to popular control. In the future, we will assume that the action of the Minister will be subject to popular control. But in view of the fact that the department of Law and Order, as you have pointed out, cannot be separated from the other departments and the other departments are interdependent and there has been no complaint that the ministers have abused their power merely because they have been subject to popular control, do you think that the ministers will abuse their power if this department also is entrusted to them ? Do you know whether the ministers have abused their power in the departments entrusted to them ?—I am not particularly acquainted with the administration of provincial transferred subjects.

123. There are provinces in which the department of Law and Order is in charge of Indian Home Members ?—Yes.

124. Supposing we devise a check that the Executive Councillor or the future minister would not be swayed by popular control wrongly exercised over him, then there would be no objection to the transfer of Law and Order ?—I do not quite understand how that condition can be fulfilled.

125. By giving him fixity of tenure.—I suppose he will still be influenced by popular opinion.

126. *The Chairman* : I think the point of Sir Hari Singh Gour is a very important one. When one is considering the possible changes, it is perfectly right and indeed it is very necessary that one should visualise the change possibly working badly—I am not saying it will work badly or otherwise, but I think the question put by Sir Hari Singh Gour is really designed to suggest that it may be desirable to explore this question whether consistently with the scheme of transfer, it is possible by other constitutional changes to minimise the risk of the thing working badly. That was your point, is it not, Sir Hari Singh Gour ?

Sir Hari Singh Gour : Yes, sir.

The Witness (*Mr. Haig*) : It might be possible.

127. *Sir Hari Singh Gour* : It might eliminate the criticism which is levelled against the working of diarchy and possibly prevent the hostility with which the enlarged provincial councils and the autonomous provinces will regard the last vestige of the bureaucracy centred in the administration of law and order ?—Yes.

128. The position might become very difficult for the future Home Member who is in charge of the maintenance of law and order when all departments are transferred ?—I quite see that.

129. When troops are called by the provincial local authorities is any bill of cost submitted to them ? Do they pay ?—That is rather a thorny subject which we have been discussing with the Army department lately. There is a sort of general understanding that any additional expenditure which the military incur over and above their budget should be paid for by the provincial Governments.

130. Has no demand been made in the past and no payment made ?—In some cases payments have been made and we have recently had a case in which the Army department has made a claim against the Bengal Government.

131. Supposing definite rules were framed and the provincial Governments knew that if they call in the aid of the military they will have to pay its cost, would it not prevent unnecessary calling in the aid of the military ?—I have no doubt that it would minimise some difficulties.

132. There is a feeling—I do not know if it is justified or not—that the civil authorities sometimes get panicky that the police may not be sufficient and that they have to go in for the military. This will be avoided if they were to know that the calling in of the military involves cost ?—Yes ; but on the other hand one does not want to go to the other extreme and make it difficult for the provincial Government to utilise the military when it should be utilised.

133. There is no intention of penalising the military ; the provincial governments should pay a reasonable charge. You said, Mr. Haig—and very rightly—that the preservation of law and order has very little connection with the control of the higher judiciary ?—Yes.

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138. *Sir Zulfiqar Ali Khan* : Mr. Haig, you know that we cannot contemplate under the existing circumstances any change in the present system without giving our fullest consideration to all the different aspects of the problem. You said in answer perhaps

to the Chairman that if in the provinces Law and Order were transferred to ministerial control, the Governor-General would cease to exercise plenary powers ?—(*Mr. Haig*) I only said that under the existing Devolution Rules he would cease. I did not contemplate that as a feasible scheme myself.

139. But as a matter of course this result would follow ?—Under the existing Devolution Rules, yes.

140. Even if this happens, considering the present situation in the country, that is to say the tension between the different communities and the riots happening at different places and the constant bickering and bitterness between the different sections of the population, would it not be advisable for us to look at the practical result which would follow from the transference of this subject of Law and Order to the ministerial control ? We cannot base our opinion upon any ideal system of administration ; but we have to look to the practical side of the problem. Now considering all this, I would like to ask you one or two questions. Supposing Law and Order is transferred in the provinces and supposing in some remote place where neither the police nor the military are immediately available, a riot occurs between the Hindus and Muhammadans and supposing the Hindus are in a minority, do you not contemplate that the slaughter of the minority community would be the result and so also if the Muhammadans are in a minority ? And you could not render them immediate help which would be necessary under the circumstances ? Supposing also that the minister who controls Law and Order is communally biased and he delays the reinforcement of the forces unnecessarily, would not this destroy the fabric of administration ?—Well, it is clearly very necessary that whatever the control of Law and Order, the police force must be maintained in adequate numbers to protect the people and also it must be employed in an impartial way and an effective way.

141. Can you tell me whether as Home Secretary instances have not come within your knowledge which show that under certain circumstances officials belonging to one religion or another have not been free of blame in controlling matters ?—No ; I would not say that. But it is perfectly true that officials belonging to a particular community are very frequently assailed by suspicions from the other communities. That is perfectly true.

142. They have been assailed ?—Yes.

143. *Sir Hari Singh Gour* : Have the suspicions been justified ?—No.

144. *Sir Zulfiqar Ali Khan* : Never justified ?—Not to my knowledge.

145. But still I know there have been instances in which people entertain grave suspicion of the conduct of officers belonging to a different community ?—That is an unfortunate development of these heated communal feelings.

146. The feeling does exist and we have to take into consideration all the existing conditions ?—Yes.

147. For instance, in the case of Bardoli where the people refused to pay land revenue, if an impartial authority had not been controlling the situation, the affairs might have gone to a very great extent towards anarchy ?—It was certainly a difficult situation with considerable potentialities for further trouble.

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149. *Sir Zulfiqar Ali Khan* : In answer to my friend, Sir Hari Singh Gour, you said, Mr. Haig, that if permanency is given to the tenure of a minister then it would perhaps minimise the chances of his being influenced by the legislative council ?—I do not really know to what extent. So far as it goes no doubt it would leave him in a position of rather more independence ; but of course he has got to look to the future.

150. He has got ultimately to resort to the electorate ?—Yes.

151. He cannot divest himself of that consideration ?—No.

152. Therefore the giving of a permanent tenure to a minister does not materially change the situation ?—No.

153. *Dr. Suhrawardy* : Will you kindly tell me who is responsible for the maintenance of Law and Order in New Delhi ?—Primarily the Chief Commissioner of Delhi.

154. Is he subject to the superintendence, control and direction of the Government like the heads of other provinces ?—Yes.

Sir Hari Singh Gour : Much more.

155. *Dr. Suhrawardy* : In view of the fact that he has got no Executive Council and no legislative council, may I take it that the supervision exercised over him is the maximum supervision and the closest supervision which the Government of India can exercise over a provincial Government ?—Well, as a rule the problems with which he is concerned are not of the same magnitude as those that arise in a larger province.

156. Does he not occupy the position of an official contemplated by you under the scheme foreshadowed by you in reply to Sir Arthur Froom ?—I suppose he is something of that sort.

157. So Delhi furnishes the closest illustration of the scheme foreshadowed by you in reply to Sir Arthur Froom ?—Yes, but of course on a very small scale.

158. May I take as a fair sample the arrangement for the maintenance of law and order to meet an extraordinary situation like that on the 21st of November which would be made under the scheme foreshadowed by you ?

The Chairman : I do not think that we need to pursue that particular application.

159. *Sir Sankaran Nair* : I am not sure whether I am right in asking you the question : So you need not reply to my question if you do not like to do so. From what you know of the incidents in which the Government of India have interfered or have instructed or have advised the local Governments, looking to the consequences that followed such advice or instruction or interference, do you say now that the Government of India would have done well in not having interfered or whether they were right in interfering, taking the years between 1919 and 1924—I refer especially to the incidents connected with the Khilafat agitation and the non-co-operation movement ?—It is very difficult for me to speak on matters which are not really within my personal knowledge. I have only been in the Home Department since 1926 and I do not think we can charge ourselves since that time with having interfered unwisely.

160. The incidents I had in my mind were those which happened before that time and you would not like to say anything about that ?—I really have not the knowledge.

Afternoon.

(MR. HARTSHORN WAS ABSENT FROM THE AFTERNOON SESSION.)

Mr. L. GRAHAM, C.I.E., I.C.S., Secretary to the Government of India, Legislative Department, and Mr. J. M. DUNNETT, C.I.E., I.C.S.

1. *The Chairman* : Mr. Graham, are you the Secretary of the Legislative department ?—Yes, sir.

2. Could you just state briefly what the duties of the Legislative department are ?—Certain functions, sir, are allotted to us by the Governor-General under the rules of business. Supposing we take legislation first. At the moment when it is proposed to undertake legislation we receive instructions to prepare Bills, that is to say, we include the draftsmen in our department.

3. Then it comes to this that the Legislative department includes the draftsmen ?—Yes, sir. And thereafter we have certain duties in respect of Bills until they are passed by the two Houses. For instance, if a Bill goes to the select committee, we supply the secretaries of the select committee. At all stages we examine amendments when they come in and we draft amendments too as the Bills are in progress.

4. That comes to this. Your Legislative department seems to combine the functions of the Parliamentary draftsmen, and the functions or some of the functions of the staff of what we call the Speaker of the House. For example, the secretaries for committees ?—We are in close touch with the Bills from the beginning till the end.

5. Does the Legislative department perform similar functions with reference to non-official Bills ?—When any non-official Bill goes to a select committee, we again provide the secretary. In fact, sir, we provide for non-officials a considerable amount of assistance. Frequently a member who has got a Bill brings it to us and asks for assistance in drafting.

6. Is there anything you want to add with reference to the scope of the department ?—I have only mentioned one side of the department, sir. All statutory rules and notifications under Acts have to be passed by our department ; that is to say, the drafts are sent to us and we put the rules or notifications into shape. Then you come to a very important side of our work, sir, which consists of supplying advice very largely on interpretation of statutes to all the departments of the Government of India. These are on what we call unofficial references. The point is that the departments here have not got their own Legal Adviser. As a department we have also very heavy work in connection with the examination of all provincial Bills. When proposals from the provinces reach the form of a Bill, they are under executive instructions sent up to the Legislative department of the Government of India, and there they are examined primarily from the point of view of the requirements of sanction of the Governor-General under section 80A of the Government of India Act. It is rather an elaborate section, sir, and I may say it is a very tiresome section to work. On the whole we have come to a pretty fair agreement between the provinces as to the interpretation of the section, and we no longer have difficulties or differences of opinion as to whether Bills require sanction or not. It is our business to take the orders of the Governor-General for the grant or refusal of sanction. At the same time we circulate a copy of the Bill to all executive departments concerned before taking His Excellency's order on the question of sanction, and at that stage the executive departments have an opportunity of exercising some control over the provincial Governments.

7. I agree that this is a point of some constitutional importance. In substance the part of section 80A which is relevant is the part, is it not, which provides that the provincial legislature " may not, without " the previous sanction of the Governor-General, " make or take into consideration any law " of certain listed characters ?—Yes, sir.

8. Such for example as a law imposing any new tax, or regulating any Central subject. What I would like you to tell me is this. Down to what point can those who contemplate introducing such a law carry it before they ask for the previous sanction of the Governor-General ? What the section says is that the local legislature cannot " make or take into " consideration any law " ?—" Make or take into consideration." The practice, sir, is before introduction.

9. And that means apparently that the draft Bill is submitted before introduction, for sanction ?—Yes, sir.

10. Do I understand you to say that every draft is so submitted ?—No, sir. The position is this, that if a provincial Government is quite satisfied that the Bill does not require sanction, it may take the risk. There is a risk of course that a point of order might be raised on the first reading in the provincial council. Bills of not very great importance generally speaking are not sent up.

11. You said that local Governments may take the risk. But what about private Bills ?—I was talking about official Bills, sir. Private Bills come up for sanction in the ordinary way through the local Government.

12. How is that done ? I am a private member of a provincial legislature and I want to introduce a Bill of some kind or other in the provincial legislature. I engage a non-official draftsman and get my clauses drafted, and now the thing is ready. What is the machinery to secure, before I introduce the Bill, that the central authorities might have a look at it ?—Ordinarily, sir, a private member is very well aware of the risks and he submits the Bill generally through the local Government, or he may send it up direct. And then the machinery starts.

13. I see. Section 80A requires for local legislation of particular characters named not the previous sanction of the Government of India, but the previous sanction of the Governor-General ?—Yes, sir.

14. Then I gather that the advice which your department is ultimately disposed to give is really tendered to the Governor-General ?—Yes, sir.

15. Has there been any instance in which a provincial legislature has purported to pass a Bill which on subsequent investigation has been found to be one of the sort that ought to have had the previous sanction of the Governor-General ?—I think there have been one or two cases, sir, but, as you are well aware, there is a remedial clause. It is the proviso to sub-section (3) of section 80A.

16. That is to say, that if notwithstanding the fact that there should have been this condition precedent fulfilled there is a subsequent assent given to the Act by the Governor-General himself, that cures the initial defect ?—Yes, sir.

17. You might tell us also this which is again of constitutional importance. In practice do a large number of proposed Bills come forward which require under the law the previous sanction of the Governor-General ?—A very large number indeed, sir. We think that the section is too wide. We have asked the Secretary of State to give us a rule-making power so that we may exempt certain categories of Bills from the requirements of previous sanction.

18. You said " we." Who is " we " ?—The rule-making power would be exercised by the Government of India, sir.

19. You say that the Government of India might be given some rule-making power, but is not the Government of India given a power to make rules under the Act ?—There is a general provision under section 129A about the rule-making powers. In the absence of special provision the rules will be made

by the Governor-General in Council subject to the sanction therein laid down.

20. You say that the matter is before the Secretary of State ?—Yes, sir, at present, and I understand that it is agreed that such a clause might be put in when the revision of the Act is taken up.

21. *The Chairman*: You say there are many cases of Bills being promoted in the provincial legislatures which bring into play this provision about the previous sanction. Is there anything useful you could tell us as to how far when previous sanction is required that sanction is given, or whether there are many cases in which sanction is refused ?—I am afraid I have not got the figures, sir. But actually sanction for Provincial Government's Bills is practically never refused, because what happens is that the Government of India negotiate with the provincial Government and the Bill comes up in an agreed form.

22. Yes, but that will only arise with reference to Government Bills ?—Non-official Bills are in a different category because the executive Government has no control. In these cases sanction has been refused frequently ; I think in about 35 cases.

23. I gather you say that supposing a case arises where it appears to the president of the local legislature that previous sanction should have been obtained the point is treated by the president of the local legislature as a point of order ?—Yes, sir.

24. He says it is out of order ?—Yes, sir.

25. You think that part of the system works well ? —I have had no complaints on this score at all. I think it does work very well. It is a very simple matter for a non-official member to ask for the sanction, but if he does not, he runs the risk.

26. You observe, Mr. Graham, that this kind of device, the device of saying that Bills proposed to be introduced in the province can only be introduced with the previous sanction of the Governor-General only becomes necessary because the constitution of British India as at present arranged does not really make a strict distribution of legislative power ?—Yes, that is so.

27. Of course if you were to provide for some federal system in which certain legislative powers were reserved for the centre and certain others were made over to the provinces, then the point as to whether a certain class of provincial Bills can be assented to would become less important. But under the present arrangement I imagine that it may be of considerable importance. Is that so ?—I do not know to what extent when the separation of subjects was made this point was considered, but I think it probable that it was observed that the Canadian system of distribution of powers has resulted in much litigation and we are trying this system of sanction as an alternative device.

28. I quite appreciate that. If you have a strict distribution of subjects between the centre and the circumference, then it is inevitable that you run the risk of disputes in debatable cases as to which side of the line a subject lies on ?—Yes.

29. And it is very difficult to suggest how that dispute is to be settled without recourse to litigation. I gather you say that you regard this sort of device as an alternative to that system ?—Yes.

30. Yes, that is very interesting. Now, I am not absolutely sure, but let me put what is in my mind. There is a certain class of legislation which is beyond the power of the provincial legislature altogether. One province cannot pass legislation which is going to apply in another province. Are there many cases where the subject of the proposed Bill is one which is beyond the power of the province ? That is not touched by the provision for asking for permission from the Government of India ?—Yes, that does not cover that kind of cases at all.

31. It is simply an invalid law ?—To the extent to which it professes to operate outside the province.

32. And the next step is this, that if the local legislature is legislating on a subject which is within the boundaries of the province, the general legislative powers of the province for the peace and the good government of the province, there is still a restriction of this sort. Though it may have the power to legislate there are still cases where reference will have to be made to the Government of India ?—Yes, but there are cases where no question of sanction arises, but it being legislation in respect of a reserved subject that legislation is of considerable importance. It is required not by the Act but by executive order that the Bill be submitted to the Government of India. In exercise of our general powers of supervision, direction and control the local Government is required to submit its proposals to the Government of India.

33. I see. Under Section 80A it is not the case that you need the previous sanction of the Governor-General merely because the Bill deals with a reserved subject ?—If it were merely a reserved subject and nothing more you would not require the sanction of the Governor-General. The difficulty is to get a clear dividing line between your reserved subjects and the central subjects. The local Governments are always straying over the line for some reason or other. They want some special powers to enforce the provisions of their Bills and they get at once within the ambit of the civil law which is a central subject.

34. We are much obliged to you. I gather you to say that upon the whole the method works all right. Sometimes Bills are given the necessary leave to proceed and sometimes they are not. But you rather raise the question whether there should be rule-making powers to modify the iron frame-work ? —I should like to get it rather less rigid. That is on the assumption that you retain the division of subjects between the central and provincial Governments in any Constitution which is devised.

35. Now, this is a point which has very much to do with the practical business of constitution making. Are there many cases in which the Government of India pass through the Central Legislature a law applying to the whole of British India which in effect cancels or nullifies some previous provincial law ? —It has the power of course. I was trying to think of an exact case, but I really do not think I can cite a case. One can quite well see that there may be cases where uniformity is absolutely necessary.

36. If I may say so it arises really for two reasons. It arises sometimes for the reason you stated, because it is desirable to secure uniformity—the same rule for every province—and that therefore means overriding provincial peculiarities. It also may arise—I think it has occasionally arisen—because the Central Government or the Federal Government thinks it absolutely necessary to support some proposition even though the local legislature acting within its own sphere is of a very different mood ? —Yes.

37. For example in British Columbia you may have a local feeling, that you ought by every means to discourage the employment of, say, the Chinese or the Japanese and yet it may be that the Dominion of Canada taken as a whole may have a different view of public policy ?—Yes, sir. I cannot cite an actual case of this kind in British India.

38. I see that. There are just one or two supplementary questions I would like to ask you and I will leave others to put to you any questions they may have. Section 72 of the Act, the Conference will remember, is the section which deals with the power of the Governor-General in cases of emergency to make and promulgate ordinances for the peace and good government of British India, and such ordinances may have currency for six months. Is not that the substance of it ?—Yes.

39. Is it used and is it needed ?—It is used, sir, and I think it is needed. In the first place, sir, India is a very large country and it is not an easy matter to get the Central Legislature called together quickly, and that is why it is said " in cases of emergency." You cannot call a meeting of your Central Legislature at very short notice, and things do happen very quickly here. Let us take the Moplah outbreak.

Ordinarily the Central Legislature was not going to meet for another three or four months when that occurred, I think, and we had to get out something immediately. It was a question of martial law ordinances. The whole place was going up in a blaze and you had to do something at once.

40. So you did something. We need not go into details, perhaps. But that something involved the passing of what would otherwise have been legislation ?—It involved empowering the military authorities to take special action to control the situation.

41. What was interesting to me to know was whether in fact the power is found to be useful and needs to be used ?—I think that is the explanation, sir. India is a country of such large distances and it is difficult to get your legislature together at very short notice. That is the prime cause.

42. Has there been when the legislature subsequently met, in your experience, strong protest against the ordinances ?—In one case there certainly was, sir. That was in connection with the Bengal Criminal Law Amendment Ordinance in 1924. That was the ordinance, as you doubtless know, sir, which dealt with the anarchical conspiracy in Bengal.

43. Yes, I know.—I cannot say exactly what happened when the Assembly met. Perhaps Sir Hari Singh Gour will tell you about that. I was not in India at that time.

44. It is really enough to say that the thing is used. That is what I should have expected. It is open, I dare say, to criticism by the Legislative Assembly when it meets.

Let us just turn to Section 43A. I find it very mysterious. "The Governor-General may at his "discretion appoint from among the members of the "Legislative Assembly, council secretaries who shall "hold office during his pleasure and discharge such "duties in assisting the members of his executive "council as he may assign to them." Frankly I do not understand it and I gather it has not been used. What do you conceive to be the possible application of it ? What is the meaning of it ?—I think the idea, the purpose or intention was to give some acquaintance of the working of the Central machine to politicians and to interest them and generally to enlist some of the non-officials as Government supporters.

45. Is there anything in the Act which says what the functions of the council secretaries are ?—Nothing at all.

46. It may be desirable to afford opportunities for private members of the legislature to have their first experience of responsibilities of administration as deputies of ministers. That might perhaps be the scheme in the provincial legislative councils. But where you have no ministers, in the Central legislature, what are the council secretaries to do ?—I think he would have been admitted as a sort of honorary member of the department. He might to a certain extent have relieved the permanent secretary of the department of his duties in the Assembly.

47. Mr. Stewart reminds me that in the report of the Joint Select Committee (page 25 of the manual) the clause which is now 43A is commented on thus :—"The Committee have inserted this provision to "allow of the selection of members of the legislature "who will be able to undertake duties similar to "those of the Parliamentary Under-Secretaries in "this country. It should be entirely at the dis-"cretion of the Governor-General to say to which "departments these officers should be attached, and "to define the scope of their duties." But speaking with the greatest possible respect for the views of the Joint Select Committee, what occurs to one is that the parliamentary under-secretary has a ministerial chief while here it would mean an under-secretary without a minister.—He would be attached to a department. He would work with the member of the department, sir. The idea was certainly when we examined the thing in practice, when the thing was discussed on a resolution in the House, that he would be an extra hand for replying on behalf of the department in the legislature.

48. *Lord Burnham* : Misled by an analogy which is really an analogy of the House of Lords where the Lords-in-waiting answer the enquiries addressed to a particular department ?—When the thing was discussed, I think, in the first Assembly the general feeling among the members as far as I could make out was that it would result in the Government of India securing promising young politicians and cutting them off from their party. Was that not so ?

Sir Hari Singh Gour : Quite.

49. *The Chairman* : Probably we shall be expected to make a report about the Sections in the Government of India Act, and naturally this is one.—I might say this. It is a matter of some interest. The thing was brought up by a non-official European, Mr. Spence, and he got practically no support. None of the parties liked it ; and that was in the first Assembly when they were all co-operators. In the second or third Assembly there would have been even less support for it.

50. *Lord Burnham* : It amounts to an opportunity for political education ?—Certainly.

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53. *Lord Burnham* : I am very much interested in this feature—it is not of course perhaps a curious feature of the Indian system—of the extraordinary growth of conventions outside altogether the four corners of the Government of India Act. There is a good deal about it in your sketch* which you furnished us with. You have got on page 78 a sub-paragraph headed "conventions and procedure." It is not worth reading it because there is too much of it. But I might read one sentence. "The most "firmly established of all conventions is the fiscal "convention, but the general discussion of all supply, "the separation of railway finance, the discussion "during demands for non-voted expenditure, the "annual readjustment of ways and means, the "appointment of standing departmental committees "and the enlargement of the powers of the standing "Finance Committee are all tending to harden into "recognised conventions." Of course if you were criticising this in an unfriendly way you might call this encroachment ?—Our difficulty is in working a rigid Constitution, and you have got to make it bend a little. I do not mean that there has been any encroachment.

54. Yes, but does it not in another sense mean the ignoring of the limitations put by the Imperial Parliament upon the powers and functions of the legislature ?—I think, sir, when there was any question of these conventions being made we have always examined the proposed line of action very carefully to make sure that we were not definitely infringing the provisions either of the Act or of any rule made under the Act. I remember examining the question of what is called the separation of railway finance very carefully from that point of view, and I think our conscience is clear on that score.

55. But take the question of the discussion on non-votable expenditure, particularly of Army expenditure. That is not only a standing feature but a predominant feature of the proceedings of the Assembly ?—I really do not see how you can prevent it by any rule. Take the vote of the Army department. That is a votable subject. The Army department is very closely linked up with the army and it is almost impossible to say that at any stage the speaker is irrelevant.

56. But as a matter of practice you yourself say that the "expenditure on defence is non-voted but "the Army expenditure may be attacked by a reduc-"tion of voted expenditure on the secretariat establish-"ment of the Army department" ?†—That is the way it works.

57. I only would put it without giving any opinion

* Vol. IV. † Vol. IV., p. 53.

at all. It has in fact done away with the distinction between voted and non-votable expenditure ?—That distinction is not a very rigid distinction because the Act itself allows the Governor-General to throw non-votable subjects open to discussion. Section 67A makes that clear.

58. In any case the limitations proposed have gradually disappeared ?—Well, there is discussion. It amounts to this. The primary limitations have not disappeared because these subjects are non-voted.

59. That is the actual act of voting, but otherwise the non-votable expenditure is discussed just as freely under this convention as voted expenditure ? —Yes. That is at the general discussion. That is definitely thrown open by the order of the Governor-General in exercise of his power under sub-section (3) of Section 67A. The section says " nor shall they be " open to discussion by either chamber . . . unless " the Governor-General otherwise directs." Every year the Governor-General does make a direction.

60. Consequentially the member-in-charge answers questions on non-votable expenditure even though there is no vote on them. Is that not so ?—Yes, it really amounts to that.

61. Therefore indirectly—I am only looking at the facts and arguments contained in the memorandum —the Assembly exercises its influence, say, on the military expenditure, if not to the same extent as on voted items at least to a large extent, even though it is shut out under the Government of India Act ?— It is very difficult to say how much a vote of the Assembly, for instance, in refusing money for the votable portion of the Army department really influences the non-votable portion.

62. The money that is votable is very small ?— Yes.

63. It is a deliberate policy of the Government of India then—I do not say to connive—to acquiesce in it ?—Yes ; I should certainly think so.

64. *The Chairman* : Does it depend on the Government of India or does it depend on the rulings of the President ?

Lord Burnham : I think so far as the Governor-General does not exercise his powers or allows discussion, it really depends on the Government of India. I do not know and that is why I am asking you.

The Witness : As regards the discussion, sir, when I said they are open to discussion, I meant unless the Governor-General otherwise directs. What happens is this. There is a positive message just before the beginning of the general discussion saying that the Governor-General throws open to discussion these subjects.

65. *The Chairman* : I am sorry I misunderstood you. 67A is the section which is on page 93. I am reading sub-section (3) : " The proposals of the " Governor-General in Council for the appropriation " of revenue or moneys relating to the following " heads of expenditure shall not be submitted to the " vote of the Legislative Assembly, nor shall they " be open to discussion by either chamber . . . " unless the Governor-General otherwise directs." And the fifth one is—" expenditure classified by the " order of the Governor-General in Council as . . . " (c) defence " I see that there are the words " unless the Governor-General otherwise directs."

The Witness : We get a positive direction.

66. *Lord Burnham* : It is an important constitutional point, sir, because if this is so, it is not true to say that the Assembly is debarred from discussing or dealing with defence.—Certainly not true, sir.

67. I myself have sometimes seen that stated. Well then, the other point that I want you to tell me about is with regard to the discussion of the Audit and Appropriation Report.—I am afraid I am not in a position to answer on that point, sir. (*Mr. Dunnett*) : I think I will be able to answer, sir.

68. *Lord Burnham* : Please turn to page 61 of the memorandum. At the bottom of that page it is stated " The Committee (that is to say, the Public " Accounts Committee) has claimed that it should be " allowed, at least by convention, to go into the " receipt side of the accounts. The Committee's " claim to be entitled to examine receipts has been " conceded, not by the establishment of a convention, " but by interpreting the statutory rules as permitting " the Committee to offer in its report criticisms and " recommendations upon any matter discussed in the " Audit and Appropriation Report submitted to it " or in the Auditor-General's forwarding report where " such matter concerns the accounts of expenditure, " voted or non-voted, or those of receipts." That is to say, that they discuss on this report the policy involved in the expenditure, I suppose ?—(*Mr. Dunnett*) : I am not able to follow you, sir.

69. What I mean to say is that so far as I read pages 60–62* dealing with this matter, a convention has been established by which all matters, voted and non-voted, that occur in the accounts are discussed from the point of view of policy as well and not simply on the financial results ?—The basis of the position is twofold ; they are in two sets of statutory rules. The Public Accounts Committee is set up under the last two rules of the Indian Legislative Rules, and I think the effect there is to give their functions the same extension as practically the functions of the Auditor-General ; anyhow their interests are practically co-extensive with the Auditor-General's report. That again is governed by another set of statutory rules, rules defining the position and functions of the Auditor-General. Roughly, he is given two functions ; he is to examine the regularity of the Government of India expenditure and the propriety ; he is to conduct appropriation and administrative audit. I think the position we have been working to in the interpretation of these two sets of financial rules is that the Public Accounts Committee has a similar concern both with the appropriation side and the administrative side, that is to say, with the regularity and the propriety of expenditure——

70. *The Chairman* : What do you mean by " propriety "—whether it is a good or a bad plan to spend ? —It means the application of the canons of financial propriety. These are defined in the Auditor-General's rules. There are five canons, defining the functions of the Auditor-General. " Regularity " means that money is applied according to the terms of the grant. In short, we are working to this interpretation of the statutory rules that the Public Accounts Committee has the same concern as the Auditor-General's report, that is to say, that it has these two functions irrespective of the distinction between voted and non-voted expenditure.

71. *Lord Burnham* : I see it is stated in the memorandum that " it may challenge not only the regularity " of expenditure but also its propriety, even if it be " not irregular." I only want to know whether that covers the policy which is being expressed in the expenditure or the receipts ?—I think the policy would be rather the concern of the Standing Finance Committee which advises at an earlier stage before the expenditure is undertaken. But " propriety " refers to the canons of financial propriety. These canons are contained in the Auditor-General's Rules.

72. *The Chairman* : If one without an expert knowledge of Accounts were to read the sentence on page 61* that " The Committee may challenge not " only the regularity of expenditure but also its " propriety," he will interpret it to mean that the Committee has got the power to say " why all this " money is being spent on this subject, it would be " better if much less is spent," and so on. That is one sense of the word " propriety." Is it used in that sense ?—No, sir.

73. That is what I want you to explain to us.— Whether revenue should be expended on a certain purpose—that is, the general point of policy—comes up at the time the grant is made or the expenditure undertaken, if it is non-voted ; that is to say, it comes before the Standing Finance Committee. The Public

* Vol. IV.

Accounts Committee deals with the method in which a grant for an approved policy has been applied. Therefore the two questions arise, first whether it has been applied regularly, that is, according to the order of the House in making the grant, and secondly whether it has been applied—I will avoid the word "propriety"—according to the canons which are laid down in the Auditor-General's Rules.

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77. *Lord Burnham*: Supposing expenditure on the army is criticised when it is at this stage, supposing the question arose of the use of the Air Force to bomb certain places over the Frontier, would that be considered, or might it be considered, when this report was before the House of Assembly?—I should think not, and I think the machinery that at present exists would not bring that before the Public Accounts Committee. I think I have explained how the Army Appropriation Report comes before the Public Accounts Committee, because that also comes before the Public Accounts Committee.

78. I am trying to learn.—The army expenditure, of course, is the largest item of non-voted expenditure. Nevertheless, the Appropriation Report comes before the Public Accounts Committee. The army expenditure is audited on behalf of the Military Financial Adviser by an officer appointed by him. That audit and appropriation report is then sent to an *ad hoc* committee which I think is composed of officials only, and they act as a Public Accounts Committee, and they write their observations on the appropriation report of army expenditure. Then their report and the audit report of army expenditure go to the Public Accounts Committee, who are free to make their own comments on army expenditure, and the whole result is placed in the library of the House, just as the civil appropriation report is, and is available to members of the House, and is open to discussion in the House.

79. Subject, of course, to what you say, I should have thought that in all probability a general discussion of the policy of air retaliation at the Frontier could have been discussed under that head; but, of course, if you tell me it is not so I naturally accept it.—I have no practical experience of the audit, but I should imagine that a large question of policy of that kind would not then come up.

80. I see that at page 58* you say that the Assembly has been able to use the weapon, as you call it, of finance to reduce army expenditure. "Secondly, "agreement with the Executive Government has "been secured when extraneous political questions "were not at issue, and especially when the Assembly "was single-minded in the pursuit of economy." I see an example given when army estimates were reduced, and the taxation proposals curtailed. On page 57* I see this: "On both occasions Government "acquiesced in the amendments made by the "Assembly." What I want to know is whether there is any real distinction now between non-votable and voted expenditure?—The particular point I tried to make in writing on this subject was that control, mandatory power, and so on, does not rest in these matters with the Assembly; but nevertheless their influence has grown from day to day, and has even over these non-voted items become powerful. Its influence has grown.

81. Then should I be justified in saying that by indirect means, using finance as the weapon for this purpose, the Assembly has obtained power to deal practically with non-votable expenditure almost to the same degree as with voted expenditure?—No, not as far as that.

82. *Colonel Lane-Fox*: Just one question on the working of the Assembly. I suppose there are a considerable number of constituencies in which the agricultural population is overwhelming?—(*Mr. Graham*): Rural constituencies, as they are called, yes.

83. Are those represented by members who are recognised as agricultural members, and who work together as an agricultural committee, and that sort of thing, as in the House of Commons?—I should say there is no link at all of that sort, and in fact a rural constituency is not infrequently represented by a member who has no particular interest in cultivation at all.

84. That is exactly what I thought.—He has not necessarily anything to do with the cultivators.

85. And therefore under the present system of enormous, unwieldy constituencies, agriculture is practically unrepresented?—It is really a very difficult question to answer, because we come into contact with the constituencies so very little. We have nothing to do with the machinery of the elections. The elections to the Assembly are a provincial subject, and we issue the writs and we receive the returns, but we are very little in touch with that side of it.

86. I suppose the real reason for this non-representation of the rural population is that the constituencies are so unwieldy that they are at the mercy of any political organisation which can put up someone, say a lawyer, who is prepared to take the job on?—Well, political organisation, except on behalf of one party, is in a most rudimentary condition in this country. (*Mr. Dunnett*): Might I make a suggestion to Colonel Lane-Fox in this connection? That is this, that the distinction between rural and urban representation was naturally given great prominence in provincial legislatures, and there the division of constituencies into rural and urban was made. There was no such effort in the Central Legislature. It is true that a few urban constituencies, I think seven urban constituencies, have been made, that is to say, the three presidency towns and the seven cities of the United Provinces formed seven urban constituencies; otherwise urban population and rural population are collected together in general constituencies, and there was no effort made to divide the two in the formation of constituencies.

87. But the net result of that, I gather, is that on the whole the rural population in a great many constituencies is overwhelming, but is in very few cases represented by a representative of that interest?—Well, the answer to that is twofold: first, we have no statistics, naturally, as the registers are by constituencies—we have no definite return that there are so many rural electors and so many urban electors; and the second answer, and I think it is perhaps a satisfactory one, is that actually the rural representation in the Assembly is considerable. The figures are given somewhere, but landholders and landowners are a very considerable element in the Assembly.

88. I suppose in actual working the fact is that territorial representatives are very difficult to obtain, owing to the enormous and unwieldly character of the constituencies, which is necessary when you have so few representatives for such a very large area of population, and therefore practically agriculture is not directly represented, and cannot be?—I have given the figures of the landholding personnel in the Assembly, and I think you will find it is considerable.

89. There is a great deal of difference between direct representation of a constituency where the constituents can call their member to task for what he does, and the sort of indirect representation to which I think you are referring?—It is difficult to take a broad view of constituencies which one does not know personally, but I think constituencies in which the urban population overwhelms the rural population would not be very considerable. I should imagine so, but of course I have no figures.

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91. *Mr. Cadogan*: I want to ask a question on the power to disallow resolutions. That power, I understand, is possessed by the President, and it is also possessed by the Governor-General in cases of resolutions the moving of which would be

* Vol. IV.

detrimental to the public interest, or which relate to matters which do not primarily concern the Governor-General in Council. Well, that power seems to have been used considerably by the Governor-General. What I want to ask is, do not these powers rather overlap—the powers of the Governor-General to disallow resolutions and the power of the President to do the same? For instance, would not it be competent for the President in the first instance to decide whether the resolution referred to a matter which was not primarily the concern of the Governor-General in Council? The object of my question is that I imagine every democratic assembly is resentful of authority by its side being used.—(*Mr. Graham*): Yes. Perhaps I can explain the position. There is the risk, if the President is very quick in admitting a resolution and if the department concerned is a little slow in going to the Governor-General, that the President may find himself overruled.

92. But do the powers overlap?—There may be some overlapping. Ordinarily it is managed quite smoothly by a little arrangement; that is to say, the President is told that the department concerned is going to take the orders of the Governor-General on a particular ground. It is only a question of a time-table and a little adjustment.

93. *Colonel Lane-Fox*: How much notice is required for a resolution?—Fifteen days.

94. *Mr. Cadogan*: I have one other broad, general question. Would you say that the interpellations, private members' Bills, resolutions and so on, betray the members' solicitude for the particular interests of their constituencies? Perhaps it is difficult for you to answer that question?—It is a little difficult when it is so general. I wonder if you could put it a little more narrowly?

95. We have been discussing the question of the unwieldy nature of the constituencies. A question was asked not long ago as to whether a member was really representative of the interests of his constituents, and whether he could bring them up?—These purely local matters are much more likely to come up in the provincial councils.

96. Yes, but I noticed that in this memorandum there was mention made of certain subjects which had been brought up which made it look as if these matters were sometimes raised. It is on page 71*: "Other matters in which Government have accepted recommendations made in a resolution are the purchase of stores, female franchise, the position of Indians overseas, martial law administration in the Punjab, the prevention of overcrowding in railway carriages, pilgrim traffic, the protection of Dera Ismail Khan against erosion," and so on. That gives a sort of list, but perhaps it is too general a question to ask?—Generally speaking, the resolutions do cover a very wide ground; they are not really concerned with any single constituency. That was a particular case—the Dera Ismail Khan one—and it was rather unusual.

97. You are beginning to answer my question. You say it was unusual?—Yes.

98. *The Chairman*: Dera Ismail Khan is in the North-West Frontier Province, is not it?—Yes.

99. And therefore it could not be raised in a provincial legislature?—That is quite true.

100. *Lord Strathcona*: I have two questions about Ordinances. We see in section 72 of the Government of India Act that Ordinances have the force of law for six months. If the emergency is shorter than that, does the Governor-General repeal the Ordinance, and if it is longer can he extend it?—If the emergency is shorter, then the Ordinance would cease to operate; no action would be taken under it. There is no need to repeal it formally. If the emergency is longer, he has no power to extend it, but he will frame a fresh Ordinance. For instance, during the Moplah trouble in Malabar we had three or four Ordinances; the circumstances varied a little during that time and we brought out fresh Ordinances.

101. Are they published in the same sort of way as a Royal Proclamation at home?—They are published in the *Gazette* like any other regulation.

102. They are not placarded up, and so on?—No.

103. We see also in section 67 of the Act, subsection (2) (iii), page 92, that the legislature may not repeal or amend any Act or Ordinance made by the Governor-General; but can the legislature discuss an Ordinance?—That means that the sanction of the Governor-General is first required for legislation. If he chooses to give it, then the matter would be open to discussion. Sanction was applied for in the case of the Bengal Ordinance for a repealing Bill and was refused.

104. As a matter of fact, has the Assembly or the Council of State discussed these Ordinances?—It could discuss them on the motion for adjournment, or it could discuss them on a resolution.

105. But has it actually done so in the past, do you know?—I rather think we had a resolution, but I cannot be quite sure.

* * * * * * * * *

106. *Sir Hari Singh Gour*: With regard to section 67A, sub-clause (3), in regard to the discussion of military questions under the direction of the Governor-General, is not it a fact that the late Imperial Legislative Council had the power of discussing military questions without any sanction from the Governor-General?—I am afraid I had no connection with that body, and I cannot give you a reply.

Sir Hari Singh Gour: I raised this question on the floor of the House, and Sir Malcolm Hailey admitted it. In fact, I insisted on the discussion of military questions, and Sir Malcolm Hailey then consulted Lord Reading and said there was some confusion, because the late Imperial Legislative Council had the right to discuss military questions.

107. *The Chairman*: You mean, the leader of the House made that statement?

Sir Hari Singh Gour: In answer to a question I put to him.

108. *The Chairman*: He pointed out, did he, that that had been the practice in the earlier stages?

Sir Hari Singh Gour: Yes, and since then the Governor-General as a matter of course has given his direction for the discussion of military questions by the House.—I should not say "as a matter of course." I think it has been considered every time and the direction has quite regularly been given.

109. The point was discussed in the first Assembly?—I was not here and have not read the records.

* * * * * * * * *

118. You have said, Mr. Graham, that your department was concerned with legislation, Bills and so on, and with seeing that the notification of Bills and orders is in proper form, and acts as the legal adviser to the various departments. Has your department any control over the policy of Law and Order, Law and Justice?—No.

119. That is controlled by the Home department?—Yes.

120. What are your relations with the Home department? You are attached to the Law department?—I am attached to the Legislative department.

121. There is an honourable Member in charge of the Legislative department?—Yes.

122. He has nothing to do with the laying down, the control of the policy of Law and Order, of Law and Justice? That is in charge of the Home department?—That is primarily the charge of the Home department, yes.

123. The Home department is not necessarily in charge of a lawyer?—No.

* Vol. IV.

124. It has for a long time past been in charge of a member of your service ?—Yes.

125. As regards the legislative work, what are your relations with the two Houses of the Indian legislature apart from the fact that you advise members officially and non-officially on the subject of Bills, and so on ?—We actually provide the administrative staff which looks after the business of both Chambers; that is to say, we provide clerks at the table, and we provide all the clerks outside the House too.

126. I think you do a great deal more than that; at least, you used to do up till very recently. Your department was in charge of accommodation ?—We are still in charge of accommodation, yes.

127. Has there been any conflict, to your knowledge, between your department and the Home department relating to the subject of Law and Order, or Law and Justice ?—No; I do not quite see how any occasion for conflict would arise. Major questions of policy might be discussed in the Council of the Viceroy, and there might be a difference of opinion there, but of that I should not be cognisant.

* * * * * * * * *

132. *Sardar Shivdev Singh Uberoi*: There are some members, non-officials, nominated on the Central Legislatures. May I know by which department the initiation of the nomination is taken—by your department or by some other authority ?—Well, it is not really a departmental matter at all. Actually the secretary of the Legislative department carries it on as a go-between between the Leader of each House and the Governor-General, but it is not really a departmental matter at all.

133. Between the official Leader of the House and the Governor-General ?—Yes.

134. I find that on page 38 of the memorandum* it is given, beginning at the end paragraph of the previous page, as follows: "In this way the "Sikh community, Anglo-Indians, Indian Christians, "labour, the depressed classes, the North-West "Frontier Province, European commerce and the "Indian Army have secured representation, and "prominent representatives of the country, who "have been unable to enter through election, have "been introduced into both Chambers." Thus it appears that nomination is made of members who have been unable to secure election ?—Not for that reason.

135. That is put down here. Are there any other reasons except this ?—Do I understand, Sardar Sahib, that you suggest that a qualification for nomination is to have failed to be elected ?

136. That is what I understood from this.—I did not write this. I think Mr. Dunnett will say that he did not mean that.

The Chairman: If it requires to be corrected, let us have it corrected.

137. *Sardar Shivdev Singh*: It is in the middle of page 38.* May I know what is the idea—that those who have stood in elections and have failed to secure election are nominated ?—(*Mr. Dunnett*): I probably used these words to cover individual cases that were before me at the time, and I expect that they were chiefly cases of gentlemen of position whom it was advisable to have in the legislature who were unwilling to stand the trouble and turmoil of an election.

The Chairman: But may I suggest that it obviously has a wider application than that ? Let me take two instances which are there in the sentence. It is said that that is why the North-West Frontier Province has secured representation. Well, it is no good saying that Sir Abdul Khan failed to get elected; there is nobody to elect him. Take, in the second place, the same sentence where it talks about the depressed classes having representation. Well, as things are at present—it may not remain so—the depressed classes can only be represented by nomination.

* Vol. IV.

138. *Sir Hari Singh Gour*: It is the same in the case of Anglo-Indians.—That is so.

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APPENDIX (*see* Question 91 on p. 140).

During the examination by the Joint Free Conference of the Home Secretary and Mr. Dunnett on the 22nd November, Colonel Lane-Fox observed that the constituencies of the Legislative Assembly were the largest in the world, and the Chairman asked to be supplied with a statement showing the total area in square miles of the aggregate of the territorial constituencies of the Legislative Assembly; the total number of members elected from those constituencies, and the result of dividing the former by the latter.

2. Under clause (3) of rule 6 of the electoral rules of the Legislative Assembly,

(*a*) "general constituency" means a non-Muhammadan, Muhammadan, European, non-European or Sikh constituency or the Delhi or the Ajmer-Merwara constituency; and

(*b*) "Special constituency" means a landholders' or Indian commerce constituency.

The Indian commerce constituencies are non-territorial except in Madras. The Landholders' constituencies in Madras, the United Provinces, the Punjab, Bihar and Orissa and the Central Provinces extend in each case to the whole province; the Bengal Landholders' constituency extends to the whole Presidency of Bengal excepting two backward tracts. The Bombay Presidency is divided in two Landholders' constituencies, namely the province of Sind and the Bombay Presidency excluding Sind. All these special constituencies have for obvious reasons been omitted from the attached statement.

3. Like the special Landholders' constituencies the general European constituencies of each province entitled to European representation in the Assembly, namely Madras, Bombay, Bengal, the United Provinces, Burma and Assam, extend, with minor exceptions, in each case to the entire province. These European constituencies have also been omitted from the attached statement.

4. The only constituencies included in the statement are the non-Muhammadan, Muhammadan, non-European (in Burma) and Sikh (in the Punjab) constituencies together with the Delhi and Ajmer-Merwara constituencies. Since (except in Burma where the division is between European and non-European) there are separate communal constituencies for Muhammadans and non-Muhammadans, and in the Punjab further communal constituencies for the Sikhs, it follows that the actual area of country represented in the Assembly, shewn in the attached statement, for each province, except Burma, is duplicated by the addition to the area of the non-Muhammadan constituencies of the area of the Muhammadan constituencies, and is triplicated in the Punjab by reason of the further addition of the separate communal constituencies of the Sikhs.

5. If the areas of the Muhammadan and non-Muhammadan constituencies, together with the areas of the Sikh constituencies in the Punjab, be all retained in the calculation of the total area of the territorial constituencies of the Assembly, then the "area" divided by the "number of the elected "members" gives the figure 21,292. If, to prevent duplication, the area only of the non-Muhammadan constituencies in the major provinces other than Burma, of the non-European constituency in Burma and of the Delhi and Ajmer-Merwara constituencies be taken into account in calculating the total area of the territorial constituencies of the Assembly, then the "area" divided by the "number of the "elected members" gives the figure 11,117.

Sd. W. H. LEWIS,
Officer on Special Duty,
Home Department,
Government of India.
17.12.28.

TERRITORIAL CONSTITUENCIES OF THE LEGISLATIVE ASSEMBLY.

Name and nature of Constituency.	Area in square miles.		Total number of Members elected.
MADRAS.			
Non-Muhammadan Urban.			
Madras City - -	29		1
Non-Muhammadan Rural.			
Ganjam *cum* Vizagapatam - - -	22,620		1
East Godavari and West Godavari *cum* Kistna - - -	15,078		1
Guntur *cum* Nellore -	13,708		1
Madras Ceded Districts and Chittoor - -	31,544	142,260	1
Salem and Coimbatore *cum* North Arcot -	19,091		1
South Arcot *cum* Chingleput - -	7,278		1
Tanjore *cum* Trichinopoly - - -	8,046		1
Madura and Ramnad *cum* Tinnevelly -	14,070		1
West Coast and Nilgiris	10,796		1
Muhammadan.			
North Madras - -	82,950		1
South Madras - -	48,514	142,260	1
Muhammadan Rural.			
West Coast and Nilgris	10,796		1
	284,520		13
BOMBAY.			
Non-Muhammadan Urban.			
Bombay City - -	24		2
Non-Muhammadan Rural.			
Sind - - - - -	46,506		1
Bombay Northern Division - - - -	13,721	123,541	1
Bombay Central Division - - - -	38,262		2
Bombay Southern Division - - - -	25,028		1
Muhammadan Urban.			
Bombay City - -	24		1
Muhammadan Rural.			
Sind - - - - -	46,506		1*
Northern Bombay Division - - - -	13,721	123,541	1†
Bombay Central Division - - - -	38,262		1
Bombay Southern Division - - - -	25,028		1†
	247,082		11

* Entitled to elect a second member for the first, third and succeeding alternate Assemblies.

† Entitled to representation in rotation to alternate Legislative Assemblies only.

Name and nature of Constituency.	Area in square miles.		Total number of Members elected.
BENGAL.			
Non-Muhammadan Urban.			
Calcutta - - -	32		1
Calcutta Suburbs -	169		1
Non-Muhammadan Rural.		70,663	
Burdwan Division -	13,869		1
Presidency Division -	17,316		1
Dacca Division - -	14,822		1
Chittagong and Rajshahi Divisions -	24,455		1
Muhammadan Urban.			
Calcutta and Suburbs -	201		1
Muhammadan Rural.		70,663	
Burdwan and Presidency Divisions - -	31,185		1
Dacca Division - -	14,822		2
Chittagong Division -	6,572		1
Rajshahi Division -	17,883		1
	141,326		12
UNITED PROVINCES.			
Non-Muhammadan Urban.			
Cities of the U.P. -	—		1
Non-Muhammadan Rural.		106,295	
Meerut Division - -	9,181		1
Agra Division - -	8,645		1
Rohilkhand and Kumaon Divisions -	24,550		1
Allahabad and Jhansi Divisions - - -	20,682		1
Benares and Gorakhpur Divisions - - -	19,079		1
Lucknow Division -	12,057		1
Fyzabad Division -	12,101		1
Muhammadan Urban.			
Cities of the U.P. -	—		1
Muhammadan Rural.		106,295	
Meerut Division - -	9,181		1
Agra Division - -	8,645		1
Rohilkhand and Kumaon Divisions -	24,550		1
U.P. Southern Divisions	39,761		1
Lucknow and Fyzabad Divisions - - -	24,158		1
	212,590		14
PUNJAB.			
Non-Muhammadan.			
Ambala Division -	15,503		1
Jullundur Division -	19,394	97,280	1
West Punjab - -	62,383		1
Muhammadan.			
East Punjab - -	30,611		1
East Central Punjab -	10,459		1
West Central Punjab -	9,472	97,280	1
North Punjab - -	7,359		1
North-West Punjab -	17,440		1
South-West Punjab -	21,939		1
Sikh.			
East Punjab - -	34,897	97,280	1
West Punjab - -	62,383		1
	291,840		11

Name and nature of Constituency.	Area in square miles.		Total number of members elected.
BIHAR AND ORISSA.			
Non-Muhammadan.			
Darbhanga *cum* Saran -	6,031		1
Muzaffarpur *cum* Champaran - - -	6,567		1
Orissa Division - -	13,736		2
Patna *cum* Shahbad -	6,435	83,161	1
Bhagalpur, Purnea and Santhal Parganas -	14,686		1
Gaya *cum* Monghyr -	8,641		1
Chota Nagpur Division	27,065		1
Muhammadan.			
Patna and Chota Nagpur *cum* Orissa - -	51,950	83,161	1
Bhagalpur Division -	18,613		1
Tirhut Division - -	12,598		1
	166,322		11
CENTRAL PROVINCES.			
Non-Muhammadan.			
Nagpur Division - -	22,760	82,109	1
C.P. Hindi Divisions -	59,349		2
Muhammadan.			
Central Provinces -	82,109		1
	164,218		4

Name and nature of Constituency.	Area in square miles.		Total number of members elected.
ASSAM.			
Non-Muhammadan.			
Assam Valley - -	26,787	52,104	1
Surma Valley *cum* Shillong - - -	25,317		1
Muhammadan.			
Assam - - -	52,104		1
	104,208		3
BURMA.			
Non-European.			
Burma - - -	173,114		3
DELHI.			
General.			
Delhi - - - -	593		1
AJMER-MERWARA.			
General.			
Ajmer-Merwara - -	2,711		1
	Square miles.		*Elected members*
GRAND TOTAL -	1,788,524		84

N.B.—The areas have been obtained by calculations made from the Census Tables of 1921.

DELHI.

Dated, 24th November, 1928.

PRESENT:

ALL MEMBERS OF THE COMMISSION (EXCEPT LORD BURNHAM) AND OF THE CENTRAL COMMITTEE.

Sir GEOFFREY CORBETT, K.B.E., C.I.E., I.C.S., Secretary to the Government of India, Commerce Department.

1. *The Chairman*: Sir Geoffrey Corbett, are you Secretary in the Commerce department?—That is right.

2. The department of which the Commerce Member is the departmental chief?—Yes.

3. Just tell us shortly what is the main work which your department does?—Our work is very much the same as the work of the Board of Trade in His Majesty's Government. We deal with shipping, with all matters relating to commerce and commercial treaties, with matters relating to tariffs, and in addition we have the Ecclesiastical department, and the office of the High Commissioner in London is also under us.

4. In what sense is it under you?—We are the administrative department that deals with the High Commissioner's office.

5. The High Commissioner for India in England, for example, is I think, engaged a good deal in recruiting?—Yes; but his office as a whole is under our administrative control. He works as agent for various departments of the Government of India and also of the local Governments; but the actual office and the pay of the staff and the appointments and so on are under our administrative control.

6. It is evidently an office of wide range. But I take it that for our immediate purpose the important matter would be the duties of your office in connection with matters of commerce and trade and in connection with tariffs?—Yes.

7. I think we were told by a previous witness that though the Commerce Member of the Viceroy's Executive Council is also in charge of the railways, so far as the secretariat goes the secretary for Commerce and the secretary for Railways are distinct?—Yes. The Chief Commissioner for Railways is Secretary to Government for Railways.

8. That does not come within your purview?—No, except that we are working in the same building and are in daily consultation with one another on any point of general interest.

9. * * * I do not know whether you have with you now a copy—or I dare say you will be supplied with one—of the report of the Joint Select Committee on the Government of India Bill dealing with what is sometimes called the fiscal convention. The material passage occurs at the bottom of page 26. In that part of the report the Joint Select Committee discusses the limits of the intervention of the Secretary of State in matters under the charge of the Government and legislature of India. The Joint Select

Committee says, " In the exercise of his responsi- " bility to Parliament, which he cannot delegate to " any one else, the Secretary of State may reasonably " consider that only in exceptional circumstances " should he be called upon to intervene in matters " of purely Indian interest where the Government " and the legislature of India are in agreement." So far that is quite a general argument. They then go on more particularly to the subject of India's fiscal policy. " This examination of the general proposi- " tion leads inevitably to the consideration of one " special case of non-intervention. Nothing is more " likely to endanger the good relations between " India and Great Britain than a belief that India's " fiscal policy is dictated from Whitehall in the " interests of the trade of Great Britain. That such " a belief exists at the moment there can be no " doubt." They were speaking in 1919, were they not ?—Yes, I think so.

10. They go on, " That there ought to be no room " for it in the future is equally clear. India's " position in the Imperial Conference opened the " door to negotiation between India and the rest of " the Empire, but negotiation without power to " legislate is likely to remain ineffective. A satis- " factory solution of the question can only be " guaranteed by the grant of liberty to the Govern- " ment of India to devise those tariff arrangements " which seem best fitted to India's needs as an integral " portion of the British Empire. It cannot be " guaranteed by statute without limiting the ultimate " power of Parliament to control the administration " of India, and without limiting the power of veto " which rests in the Crown ; and neither of these " limitations finds a place in any of the statutes in " the British Empire. It can only therefore be " assured by an acknowledgment of a convention." That is what is sometimes referred to as the fiscal convention ?—That is correct.

11. It is not a convention in the sense of being a document ?—No.

12. It means really a practice which tends to become a tradition ?—Yes, that is right.

13. " Whatever be the right fiscal policy for India, " for the needs of her consumers as well as for her " manufacturers, it is quite clear that she should " have the same liberty to consider her interests as " Great Britain, Australia, New Zealand, Canada " and South Africa. In the opinion of the Committee, " therefore," (that is, the Joint Select Committee) " the Secretary of State should as far as possible " avoid interference on this subject when the Govern- " ment of India and its legislature are in agreement, " and they think that his intervention, when it does " take place, should be limited to safeguarding the " international obligations of the Empire on any " fiscal arrangements within the Empire to which " His Majesty's Government is a party."

I read it at length because it is a very important passage. What I should like to ask you is this. One sees the suggestion or the scheme of the convention at the top of page 27. Now, Sir Geoffrey, please tell us if the convention thus defined has in practice been observed ?—I think we, the Secretary of State and ourselves, have both done our best to co-operate in giving the convention real life. Difficulties may arise. But we have always met each other and the present position which has been reached by the convention is entirely in accordance with the spirit of this recommendation. We have had several opportunities of testing it, of course, in the activities of the Tariff Board about which I dare say you know.

14. I was going to ask you about it. But first of all, we have the general answer that speaking with your experience you tell the Conference that the convention which is there laid down has in fact been observed ?—Yes, undoubtedly.

15. Observed with good will on both sides ?—Yes.

16. Then tell us specifically about the present position of India in regard to tariffs ?—We have several opportunities of testing the convention in the various recommendations that are made from time to time by the Tariff Board, which is another body that is subordinate to the Commerce department. When we receive a report from the Tariff Board we send advance copies of it to the Secretary of State and we then consider it and we come to provisional conclusions on the action that we are going to take. We then telegraph them to the Secretary of State for his observations ; and the Secretary of State, who has meanwhile been studying the report, either says that he has no observations to make or else he may make certain observations or suggestions or whatever the case might be. We then consider his observations and come to our final conclusions on the action that should be taken. It has been tacitly understood that the remarks that the Secretary of State makes are merely observations for our consideration, and he has never tried to force his views upon us. In fact in most cases he says he has no observations to make, and then we come to our final conclusion and place our conclusion before the legislature. If it is accepted by the legislature, the convention comes into play and the Secretary of State accepts that as final.

17. That is the machinery ?—Yes, that is the machinery.

18. And then will you tell us what is the Tariff Board ?—The Tariff Board consists of a president and two members, and applications for protection are made first of all to the Commerce department of the Government of India, and we consider whether there is a *prima facie* case. The applications are not made to the Tariff Board direct.

19. You say there is a president of the Board. How is he appointed ?—He has been appointed by the Governor-General in Council. The president now is Sir Padamji Ginwalla, who was formerly the whip of the Nationalist Party in the first Assembly.

20. Did I hear you say that the Tariff Board is under the Commerce department ?—Yes ; it is appointed by the Governor-General in Council in the Commerce department.

21. On the recommendation of the Commerce department ?—Yes ; we are the administrative department which deals with the Tariff Board. An application is made to us, as I said. We consider whether there is a *prima facie* case ; and if we consider that there is a *prima facie* case, we refer it to the Tariff Board for enquiry.

22. I do not want to rouse the inquisitiveness of the Members of Parliament here. They may have their own views on it. But in point of fact, do you mind telling me what a *prima facie* case means ?—If the case as presented by the applicant body appears to fulfil *prima facie* the conditions that are laid down by the Indian Fiscal Commission as being essential before protection is given that is what it means. The conditions are first of all that an industry should have some natural advantage in the country either in the form of raw material, or good market, or cheap labour, whatever it might be. Secondly, it should not be capable of developing, or developing to its full extent sufficiently rapidly, without protection ; and thirdly it should eventually be able to face world competition without protection.

23. Has any instance arisen in which that stage has been reached ?—The Tariff Board was only appointed in 1923 ; but the first enquiry that was made was a most important enquiry into the protection of steel, and a certain measure of protection and certain bounties were given under the Steel Act of 1924 for three years. A further enquiry was made at the end of the three years, and the bounties were altogether withdrawn and the protective duties were substantially reduced, and protection was given for a further period of ten years at the end of which the Tariff Board consider that no further protection will be required.

24. You said that applicants come to the Commerce department and are referred to the Tariff Board to establish what is considered to be an adequate case. Then I gather that the Tariff Board might frame a scheme. It does not come before the

Government of India as a whole ?—Yes, certainly. It is examined departmentally by the Commerce department, and then the matter is always taken in council.

25. Are the communications to the Secretary of State for any observations he wishes to make made before or after the thing has reached the stage when the Government of India takes up the case for consideration ?—The Government of India as a whole considers the case before the Secretary of State's observations are asked for.

26. And that I gather is before there is any legislative proposals ?—Yes.

27. Then does the legislative proposal take the form of a proposed clause in the Finance Bill ?—No. We always have a separate Bill for protective duties. That is simply a rule of procedure ; there is nothing in the Government of India Act. But we find that it is more satisfactory to have a separate Bill for particular protective duties. We have a Bill to protect the steel industry, or a Bill to protect the paper industry, whatever it may be, in order to have a clear-cut issue on which the Assembly can give its decision.

28. That stage will of course be after the communication to the Secretary of State which you referred to ?—Yes.

29. You have given us in general terms what the position is. What I should like to know is whether there is any important case since the Tariff Board has been set up when there has been in fact some intervention on the part of the Secretary of State which has prevented the proposal which the Government of India would otherwise have put forward to the Tariff Board ?—No. And I may add, sir, that every proposal for protection put before the Assembly has been carried, so that we may say that the Assembly has confirmed the proposals that we arrived at after considering the observations of the Secretary of State.

30. The proposal to reduce the tariff on steel was made, I gather, in the year 1927 ?—Yes.

31. Was that in the same way submitted to the Secretary of State for observations before the proposed reduction was suggested ?—Yes.

32. And did the Assembly in the same way agree ? —Yes. That Bill was the only Bill on which there was at all a close division in the Assembly. That was not on the principle of protection, but owing to the fact that the Tariff Board recommended differential duties on continental and British steel. It was entirely on technical grounds, but quite naturally there was a certain feeling among certain parties in the Assembly that this was what they called " Imperial preference by the backdoor." It was not at all so really, and it was carried in the Assembly in spite of that suspicion.

33. Would the fact of lowering the duty on British steel be held as Imperial preference ? I have not understood what you mean by " Imperial preference " ?—There were people also in the Assembly, sir, who did not think so either. The point is that the British steel is of a higher quality than continental steel. Continental steel is very much cheaper and of lower quality, and it was competing with the Indian made steel to an extent that the British steel could not ; and by having differential duties both classes of steel were put on the same footing for the purposes of competition with Indian steel.

34. *Sir Arthur Froom* : Arising out of the statement made by the Chairman in connection with the High Commissioner, the High Commissioner has also a Trades Commissioner, has he not ?—Yes.

35. And does he work with the High Commissioner ?—He is under the High Commissioner.

36. The present Trades Commissioner in London was at one time occupying the post of Commerce Secretary of the Government of India ?—Yes, he did.

37. And now he is working under the High Commissioner ?—Yes.

38. And he is working between the High Commissioner and the Commerce department in India ?—Yes.

39. In connection with the Tariff Board you told the Chairman that the Tariff Board was under the Commerce department ?—Yes.

40. But the Conference should not understand that the Commerce department in any way influences its recommendations ?—We are very particular about that. As a matter of fact, the traditions of the Tariff Board were established by Sir George Rainy, who was the first president and is now the Commerce Member, and by Sir Padamji Ginwalla the present president, who was also one of the first members. It was always established that once the terms of reference have gone to the Tariff Board, the Commerce department takes no further interest in the case until the report is received. We do not have any communications with them at all on the subject.

41. Have there been many instances where the recommendations of the Tariff Board have not been acted upon ?—No. We have generally acted upon their recommendations.

42. You always take action ?—Yes. But we have to consider their recommendations. The line we generally take in dealing with a Tariff Board report is that we accept their findings of fact. We do not re-open their enquiry, and do not attempt to do their work for them again. We consider whether their recommendations follow naturally from the facts they found, or possibly there are other reasons.

43. In other words, the Commerce department can bring a wider view to bear on the recommendations of the Tariff Board. That does not cause any reflection on their recommendations ?—Not at all.

44. In connection with the Bill for the protection of the steel industry you mentioned that in the case of the second Bill in 1927 a certain amount of discussion or debate arose in the Legislative Assembly, because it was held that a particular portion of that Bill gave rise to Imperial preference ?—Yes.

45. Would you tell the Conference whether the Legislative Assembly as a body was in your opinion against Imperial preference ?—They never expressed a definite opinion on the subject, but there is always a great anxiety amongst certain people in India which is really expressed in this passage which the Chairman read out from the Joint Committee's report, that the fiscal policy of India is dictated from Whitehall. They are very sensitive about that, and I think they always feel that anything which smacks of Imperial preference in any way is influenced in some way by His Majesty's Government.

46. Then in connection with the division of work in the Commerce department, I believe you are in charge on the commerce side, and the Chief Commissioner for Railways on the railway side ?—Yes.

47. I suggest that those two sides are interrelated ; for instance, you are in charge of ports ?—Yes.

48. And ports and railways are connected ?—Yes.

49. Will you explain to the Conference when you work together jointly ?—The Chief Commissioner and myself tour together when we have to consider any harbour problem that has arisen.

50. Turning to commercial matters, have you noticed in the Central Legislature any tendency to introduce any distinction or discriminatory legislation in commerce ?—We had rather a striking case at the last session in a private Bill introduced by Mr. Haji for the reservation of coastal traffic. That has been the most striking instance, I think.

51. Would you suggest that the Legislative Assembly is in favour of discrimination in such matters ?—I should doubt very much whether the Assembly as a body would agree to any measure of discriminatory legislation of an economic nature.

52. *The Chairman* : What is the nature of the discrimination likely to be ? Is it the discrimination between enterprises which are substantially owned by Indians, or by persons domiciled in India ?

Sir Arthur Froom : Yes, sir.

53. *Sir Hari Singh Gour* : Mr. Haji's Coastal Bill was for the purpose of having ships plying near the Indian coasts registered in India. If they are

owned by Englishmen, they must be registered in India.

The Witness: That is not correct, Sir Hari Singh Gour.

The Chairman: I certainly did not understand that that was the whole of his Bill.

The Witness: 75 per cent. of the ship had to be owned by Indians. That was the purport of the Bill.

Sir Arthur Froom: I do not want to make any special reference to that.

54. *The Chairman*: It is not really of any constitutional importance, I think, from our point of view except of course that the general subject of the constitutional power of the legislative bodies may be thought to raise the question as to whether discrimination of that sort is a matter of complete latitude. We had the suggestion made in a wholly different connection in a province that there ought to be some provision to the effect that no law should be passed by a provincial legislature which would introduce discrimination between one community and another as regards its right to acquire agricultural land. And I pointed out then that the only thing of importance there was whether or not these considerations make it important for us to consider whether or not there are to be any limits upon the legislative power. There is nothing else I think which is material to us.

Sir Arthur Froom: Yes.

55. *Sir Arthur Froom*: Speaking about this Coastal Traffic Reservation Bill, was there not in the Assembly a suggestion that similar legislation should be introduced in all sorts of other cases also?—There was. I remember an exclamation from some member or members. My recollection is that Sir James Simpson said, "If you apply this discrimination to "shipping, why not to other industries?" And certain members called out "Why not?" I do not think the case was ever argued.

56. But it was raised?—Yes, it was.

57. One other point. Could you visualise in any future constitution of India, in times to come, when there is a considerable advance of self-government in the various provinces, that the control of commerce could split up among the various provinces, or would you think that it must continue to be a central subject?—One can visualise almost anything, but——

Sir Arthur Froom: I am asking your opinion, supposing it was suggested that each province should control its own commerce?——

58. *The Chairman*: Do you think in your experience, it will work?—No, I should say. You might get to the same position as in Eastern Europe, in which the whole economic welfare, and even peace, is threatened by the fact that it has been broken up into small economic units. The whole tendency nowadays, as expressed by the League of Nations, is to break down these inter-State barriers and work in a large economic unit. And I think I would go further and say that the history of other countries more or less similar to India, where you get a congeries of States as in Germany and the United States, and even in England, shows that economic prosperity has naturally followed from the fact that they had joined together into a common economic unit.

The Chairman: In so far as tariffs and Customs duties are concerned of course I should think everybody would feel the force of that argument, but I am not quite clear myself that in other matters there are not any limits.

Sir Arthur Froom: I had in mind the administration of ports.

The Chairman: I may tell you, I dare say you know, that it is possible under the Canadian Constitution for a company to be registered in a province and the different provinces may have different laws which have to be satisfied before those companies are allowed to operate in them. Yet it is possible in fact to regard such a company as having activities elsewhere in the province. It is a very complicated thing.

The Witness: The question Sir Arthur Froom asked was about commerce, and I find it extremely difficult to dissociate commerce from tariffs and customs duties. Of course, I can quite well see the possibility of having different company laws in different provinces. But I should think it will be an extremely inconvenient way of working things. Our company law is based on the English law, and we are in favour of spreading the uniformity of company laws as far as we can. And I think the tendency that you find in the League of Nations, and also in the Empire generally is to extend uniformity in all commercial and maritime laws. Now where you are working on the widest possible unit, you can do that; but if you split up into small units, it would be a definitely retrograde and uneconomic step.

59. *Mr. Kikabhai Premchand*: Would it be desirable to take over the ports and the cities adjoining such ports under the Central Government?—Well, as far as ports are concerned, the actual ports themselves, and what you may call the actual port limits, are already a central subject; that is the major ports.

60. *The Chairman*: You spoke about the major ports being under the Central Government. You mean such ports of British India as are declared to be major ports either by rule or by legislation? About half a dozen of them I think you have?—Yes. But the point is, we do not take over the adjoining cities. It is only the port limits that are taken over, which is, you may say, the junction of a railway on one side and shipping on the other; but we never contemplate carving out a city and bringing it under the central administration. That would be having a series of Delhis scattered all over India.

61. *Mr. Kikabhai Premchand*: Are there not some ports which are not developed because they were not connected with railways?—But a port would not be complete without a railway.

62. There may be some other conveniences. There are certain ports like that?—Can you mention one? Then I can tell you.

63. Say, Tuticorin?—Very large sums of money are being spent now on Tuticorin, and I believe the suggestion is made that large sums of money are being wasted. I think the development of ports is in the interest of railways. I cannot visualise the development of a port which would not be in the interest of the railways.

64. *Sir Hari Singh Gour*: You were speaking about the Coastal Traffic Bill and you have replied that to your mind it is not an isolated Bill. The Legislative Assembly had three different motions before it, one for the creation of a Royal Navy in India, another for the mercantile marine and the third is the Coastal Bill. The underlying principle, I understood, of all these three Bills was that Indians were not given facilities for training at sea by the European companies trading in India. The complaint against the Royal Navy Bill was on the ground that there would be only one Indian who would be recruited in the year and that at that rate it would take generations before half a dozen Indians were trained up to be officers in the navy?—I can say nothing about the Royal Navy, it is not my concern. But I understand the object of reserving the coastal trade is to secure the profits of the coastal trade for Indians, and the actual question of training Indians to be sailors——

65. Not as sailors but as officers?—That is entirely subsidiary.

66. Was not that the main grievance at the time of the Mercantile Marine Bill?—You may be aware, Sir Hari Singh, that we have a training ship at Bombay, and Messrs. Mackinnon Mackenzie, the agents of the P. & O. and B.I.S.N. companies, and all the leading firms who are trading in the coast of India, have undertaken to take apprentices from the training ship.

Sir Arthur Froom: That was a recommendation of the Indian Mercantile Marine Committee.

67. *Sir Hari Singh Gour*: But that was necessitated by the fact that before the Reforms the European shipping agencies in India did not receive Indian apprentices for training on board their ships. —There were no apprentices to receive until the *Dufferin* was started.

68. I am not talking about the *Dufferin*, but of the European companies trading within India.— But you cannot take them until you have them. If there are no Indian cadets, how can they take Indian apprentices ?

69. No effort was made by the Government of India to train Indians as seamen and as officers ?— Not until the *Dufferin* was started. That is correct.

70. That was started under the reformed constitution ?—Yes.

71. When was it started ?—Two years ago—not quite two years, I think.

72. Not even two years ?—Yes.

73. Is it more correct to say about a year ago ? —About eighteen months ago.

74. How many Indians are now under training in that ship ?—Thirty a year at present.

75. Now, as regards this convention about granting fiscal autonomy to India, you say that you send up your provisional recommendations to the Secretary of State ?—The provisional proposals.

76. Yes, you send up the provisional proposals to the Secretary of State and the Secretary of State thereupon makes some observations sometimes, and sometimes he has no observations to make ?—Yes.

77. Have you ever come to a decision, a final decision, without reference to the Secretary of State ? —No.

78. If you will kindly read the passage at page 27 (Joint Select Committee's Report) you will see this: " In the opinion of the Committee therefore " the Secretary of State should as far as possible " avoid interference on this subject when the Government of India and the legislature are in agreement." That is to say, as soon as the Government of India and the legislature are in agreement the Secretary of State stands aside ?—That is correct.

The Chairman: What it says is that when that happens he should as far as possible avoid interference. It goes on to say what are the exceptional cases in which he should intervene.

79. *Sir Hari Singh Gour*: Subject of course to what follows. What I mean is this. Has there been any case, or have there been any cases in which in response to the observations made by the Secretary of State the Government of India had modified their tentative proposals ?—We might have modified in small details. He might have made some very pungent criticism of some mistake we had made or some miscalculation. But I can recall no case in which there was any material alteration in principle.

80. Are those tentative proposals brought to the notice of the legislature ?—No. We bring up the final proposals.

81. Consequently the legislature has no means of knowing what your provisional proposals were and how far they have been modified in consequence of the observations made by the Secretary of State ?— No.

82. In other words, how far your proposals were uninfluenced by the Secretary of State and how far those proposals have since been influenced by the observations of the Secretary of State ?—No, they do not know.

83. Is not that a complaint with the Legislative Assembly in regard to the question of granting fiscal autonomy to India, in regard to the upholding of this convention whereby when there is agreement between the Government of India and the legislature the Secretary of State should not interfere ? When the Government of India itself is subject to the supervision, direction and control of the Secretary of State it deprives the Government of India of that power which it otherwise would have had of deciding for itself ?—It would, if the Secretary of State exercised supervision, direction and control in this matter; but in this matter it has never been his practice to do so. He merely makes his observations, which we may accept or reject as we like, and we do not always accept his observations.

84. Now, as regards the question of Imperial preference, you say that the Legislative Assembly naturally is sensitive to the question of Imperial preference. A question was put by Sir Arthur Froom as to whether the Legislative Assembly is opposed to Imperial preference, and you said that there have been certain observations from members but no decision ?—Yes.

85. Is it not the sense of the Legislative Assembly that Imperial preference as such must be a matter of contract between India and England ?—I should say so.

86. That England cannot force in some subtle and indirect manner Imperial preference upon India ? —That is right.

The Chairman: England has not attempted to do so.

87. *Sir Hari Singh Gour*: Nobody suggests that. But that is the feeling. India is quite prepared to have Imperial preference, but as a matter of contract ?—Yes. They do not object to Imperial preference as such, but they want to be sure what the economic advantage in any particular case would be. If there is an economic advantage I do not think there will be any opposition; but it will be considered from the business point of view, not from the sentimental point of view.

88. That point of view was expressed I think in connection with the Cinema Enquiry Committee. It was suggested that 20 per cent. of the films should be British, but the other side said that you must at the same time develop our films and a similar percentage of our films should be taken in England ? —Yes.

89. In other words, some sort of reciprocity ?—I can recollect that when this question was debated by the Council of State, the leader of the swaraj party agreed with the idea that there was great advantage in Empire films being used within the Empire, in order that the different parts might get to know each other. I remember that quite well.

90. Consequently India is not opposed to Imperial preference ?—No. I never suggested that. I say that she is not in favour of Imperial preference from sentimental considerations; but if in any particular case it turns out to be to her economic advantage to have some kind of preferential tariff with any part of the Empire, I do not think they would oppose it on sentimental grounds, at least the majority would not oppose it.

91. In connection with the Steel Bill you remember the question of Imperial preference was raised. Was not that Bill carried by a small majority ?—Yes, by a small majority.

92. I do not think you remember the majority ?— It was 6 or 7. Very small.

93. Now as regards your department. Commerce and Industries formed one department, is it not ?— Yes.

94. Industry is now a transferred subject ?—Not in the Government of India.

95. In the provinces ?—Yes, that is right, the development of industries.

96. And how is industry co-related to commerce ? Are they not two ?—The Department of Industries and Labour in the Government of India.

97. I am not talking of the technical side of it. Industries and Commerce went together and were in charge of one Member because they were regarded as allied departments. Now the fact is that " Industries " has been provincialised and transferred. Does it affect the development of industries ?—Well, I think you should ask the Industries Secretary about that.

98. *The Chairman*: Mr. McWatters ?—Yes. It is only when an industry wants protection that it comes to us.

99. *Sir Hari Singh Gour*: Has there not been a development of industries since their provincialisation and transfer?—I could not answer that. The major industries that come to us are really All-India industries, and not provincial industries at all.

100. Consequently you do not know. ?—No.

101. *Sir Zulfiqar Ali Khan*: Could you tell me if you are Secretary for Railways also?—No. The Chief Commissioner also acts as Railway Secretary.

102. Could you please tell me if there is any correspondence taking place between the Government of India and the Home Government?—I do not know on what point.

103. With regard to this Imperial preference?—There is no correspondence on the subject to my knowledge.

104. So, that question is not being discussed at present?—It was discussed at the Imperial Conference, and its proceedings are published. If you look up the proceedings of 1923 when it was discussed, you will find what attitude was taken by Sir Charles Innes representing the Government of India and the Indian delegation, of which the Secretary of State was the leader.

105. May I know if the Government of India themselves are considering this point?—No.

106. *Sir Arthur Froom*: Sir Geoffrey, might I ask you if you consider it part of your duty as Commerce Secretary to keep yourself in touch with commercial opinion throughout the country, both Indian and British, and might I suggest that no great step or alteration or legislation affecting commerce is ever taken without some such enquiry throughout India of all commercial bodies?—Yes, we always consult all commercial bodies either by letter, or if the matter is an important one, we always go and discuss with them personally the terms of the Bill that we are going to bring forward, except of course tariff Bills.

107. So the Commerce department is not merely administering from the heights of Simla or from Delhi?—No, we are very much in touch with commercial bodies in all commercial centres.

108. With every commercial body, whether Indian or British?—Yes, Indian or British.

109. *Lord Strathcona*: One question about commercial treaties. It appears that India has not the power to enter into direct negotiations with foreign countries in the same way that I think the Dominions can and that India has separate conventions with foreign powers which are negotiated through the Foreign Office?—Yes, that is correct.

110. Do you consider the fact that these conventions are negotiated through the Foreign Office on behalf of the Government of India is in any way detrimental to the interests of India?—Very much to her benefit. We have the experienced advice and assistance of the Foreign Office, and His Majesty's Ambassadors to negotiate our affairs for us in a way that we can never hope to do.

111. And it causes no delay?—They are extremely prompt.

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115. I should like to ask you about the representation of commerce in the Legislative Assembly. What is the total representation?—There are 4 members in the Assembly representing Indian commercial interests. The Indian Merchants Chamber of Bombay has a representative; and for Bengal, the Bengal National Chamber, the Mahajan Sabha and the Marwari Association elect a member in rotation, i.e. one for the first Assembly, one for the second Assembly and one for the third Assembly. For Madras, a member is elected to represent Indian commerce by all Indian firms paying income-tax on incomes of not less than Rs. 10,000 derived from business; and then there is a representative of the Bombay millowners and Ahmedabad millowners in rotation. In the Council of State European commerce is represented; there is one member for the Bengal Chamber, one for the Bombay Chamber and one for the Burma Chamber. Indian commerce is thus represented in the Assembly and European commerce in the Council of State. It has been a grievance on the part of the European commercial bodies that they are not represented in the Assembly.

116. I suppose there is a considerable number of business men from other constituencies who are directly elected?—Yes.

117. In your opinion has commerce and industry on the whole been given a fair show in the Assembly?—The general view of the Assembly is that it has been given too much of a show.

118. That means the majority do not care?—It is sometimes said that nearly all the legislation is commercial.

119. The representation in the Assembly is not confined either to European or Indian but it represents both?—The special commercial representation in the Assembly is entirely Indian, but the representatives in the Assembly from the general European constituencies are often commercial men; and as a matter of fact in order to meet the complaint that the European commercial bodies made that they had no direct representation in the Assembly, we have arranged in the last two Assemblies to nominate one member to represent the Associated Chambers, that is, the European Chambers.

120. Is there any feeling of antagonism between Indian and European trade in the Assembly?—Undoubtedly.

121. Is it not rather a mistake to have a special section of commerce represented, either for European or for Indian?—I think strong arguments could be urged against it. But on the other hand it is only fair to say that the Coastal Reservation Bill to which a reference was made was introduced by a member elected by a general constituency, and not by the member elected by the commercial constituency.

122. I suppose the trouble is that you cannot get direct representation of commerce except through some formal body which would be either European or Indian?—No; but on the other hand there are quite a number of business men, elected both by European constituencies and by Indian general constituencies. I am not prepared to say that special representation in the Assembly is necessary in the interests of commerce.

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The Chairman: Gentlemen, if you consider the present composition of the Legislative Assembly, you get one elected European member for Madras, one elected European member for the United Provinces, two elected European members for Bombay, three elected European members for Bengal, one for Assam and one for Burma. So that if in their cases business people get returned, you have, though under a different title, gentlemen who might be expected to understand the problems of European commerce. Do you think, Sir Arthur Froom, that the arrangement of distributing the European commercial elected members in this way works well?

Sir Arthur Froom: The European Chambers of Commerce have always held that there should be seats for them in the Legislative Assembly where the majority of legislation starts.

The Chairman: Of course one of the non-official nominated seats is held by a representative of the Associated Chambers of Commerce, but this has been done under the discretionary power vested in the Governor-General to nominate. It is not in the rule; it is not done in the same way in which those five nominated non-official members are chosen, namely the representatives of the Depressed Classes, Anglo-Indians, Labour Interests and Indian Christians——

The Witness: A member representing the Associated Chambers of Commerce was nominated in response to a demand from the European Chambers that they should be given representation in the Assembly; it is comparatively recent.

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Sir Sankaran Nair: With reference to that, may I point out, sir, that Government themselves have actually said that European representation means representation of European Commerce because commercial men have always held the majority of general seats in the Assembly.

The Chairman: I am much obliged to you. That is, I gather, the view of the members of the Assembly as well?

Sir Hari Singh Gour: Yes, sir.

125. From page 26 of the report of the Joint Select Committee on the Government of India Bill the Chairman read out to you: "Nothing is more "likely to endanger the good relations between India "and Great Britain than a belief that India's fiscal "policy is dictated from Whitehall in the interests "of the trade of Great Britain. That such a belief "exists at the moment there can be no doubt." That was in 1919. Was it not kept alive by the continuance of the cotton excise duty?—You are a better judge than I am; but anyhow you know, Sir Hari Singh, that the very moment the finances of the Government of India permitted, I think it was the first tax to be removed.

126. Was there not a feeling shared by the Government of India, namely that the cotton excise duty was dictated from Whitehall?—I think you will find the history of that fully related in the Fiscal Commission's report, which is the most authoritative statement on the subject.

127. The feeling was not without foundation?—In that respect, yes.

Mr. G. S. BAJPAI, C.I.E., C.B.E., I.C.S., Secretary to the Government of India, Department of Education, Health and Lands.

128. *The Chairman*: Mr. Bajpai, you are the Secretary of the department of Education, Health and Lands?—Yes.

129. I suppose we may take it that the department besides dealing with the subjects mentioned in its title deals with many others?—It certainly deals with those three and many other matters.

130. Would you like to tell us about it further?—Yes, sir. There is Emigration, for example, which is one of our important subjects, emigration from British India and immigration into British India, and then we have such matters as Archæology, the Botanical Survey, the Zoological Survey, the Survey of India and other subjects.

131. You deal with a variety of subjects. When one sees it, one finds that you deal not only with subjects which are central but that you also deal, as far as the Central Government deals with this matter at all, with a number of transferred subjects?—Yes.

132. Education, for example?—Yes, Education, Medical Administration, Public Health, Agriculture, and Co-operative Credit.

133. We will not go into all those now, but taking Education purely as an example, I imagine that as Education is a transferred subject in the provinces, each province will have its Education department. I suppose when you pass outside the nine provinces, to the North-West Frontier Provinces or to the Delhi Province, then it must be a central subject and I suppose it falls definitely to the charge of your department?—That is so, sir.

134. As we have an Auxiliary Committee on Education which is working very industriously and which is going to give us its review at the end of next month, I do not think we need go into that now. Perhaps you will just tell me this generally since your department takes an interest in so many transferred subjects. Rule 49 of the Devolution Rules says, "The powers of superintendence, direction, and "control over the local Government of a Governor's "province vested in the Governor-General in Council "under the Act shall in relation to transferred sub-"jects be exercised only for the following purposes, "namely:" And my colleagues would remember what those purposes are. They are strictly limited. Now to what extent, in practice, if at all, does the Government of India find it right to interfere, under the exceptions of Rule 49, with the administration of a transferred subject?—Within my experience of the department, sir, which now extends to nearly six years, I do not remember a single instance in which we have had to exercise our powers under Devolution Rule 49.

135. When one considers what the exceptions are, "to safeguard the administratiou of central subjects, "to decide questions arising between two provinces," and so on, it is not really easy to see how in practice interference is necessary. As I said, we do not go into Education as a subject this morning. But taking it as an illustration, take primary education. Do I understand rightly that primary education as a topic is in practice dealt with by the provincial Governments without intervention or assistance from the Government of India?—That would be a correct assumption to make, sir. The only modification of that statement that I might suggest is that it may be necessary for a local Government, in fact it would be necessary for a local Government, after legislation in the province, to submit the Bill relating to primary education to the Governor-General for assent. But then that is submitted to the Governor-General and we merely come in as a department to advise.

136. That is not really an exception to what you were saying, is it? It is merely under the Constitution that the Governor-General in his character as head of the Government of India has a certain part to play before the Bill becomes an Act?—Yes.

137. I would like to know this. Supposing that the Education department of one province or the minister of the province desires to communicate with the corresponding minister of the department in another province, does he in fact do it through the Government of India or direct?—It is open to him to do it direct. He need not go through us.

138. The members of the Conference have seen—I dare say some have read—the very elaborate quinquennial educational surveys issued by the different provincial Governments. They of course come up here and I dare say they are studied and analysed and all that. But I gather that each of these reviews is really a reproduction of the provincial surveys?—As a matter of fact the position in regard to that is that the Educational Commissioner with the Government of India issues a quinquennial review of educational progress and the local Governments make use of our quinquennial review for the issue of similar publications themselves.*

139. We do not dispute the pride of authorship?—The pride of authorship belongs to the Educational Commissioner.

140. The situation is this apparently as regards that subject, that being a transferred subject in the province, the Provincial Government, the legislature or the minister deals with it without the Central Government intervening and whatever funds may be spent upon it are not derived by grants-in-aid from the Central Government; so the Central Government has no control through that?—None.

141. I do not know whether it is permissible to ask you this, Mr. Bajpai, please decline to answer

* The witness subsequently intimated that the Quinquennial Review of Educational Progress in India issued by the Educational Commissioner is prepared from similar Reviews prepared by provincial Governments. In other words, the Quinquennial Review is based on provincial Reviews.

if you think it an unfair or an inconvenient question. In your experience do you think that is a satisfactory arrangement or would you yourself be glad to see it altered ?—I will express my own personal and provisional opinion in answer to that question and that is very definitely that the system is not a satisfactory system. It seems to me that primary education in particular is not so much the obligation of any one province as the obligation of India as a whole. I may call it a national obligation and whereas I would never for a minute postulate that the Government of India should actually interfere in the administration of primary education, I should certainly like to see a state of affairs in which the Government of India would be able to stimulate primary education by grants-in-aid ; but they cannot do so at present.

142. That is a question which we might discuss when we receive the report of the Education Committee. I would just like to ask you this question, because we may hear something about it from the deputation on Monday. We are going to hear the Anglo-Indian deputation. Has not it been sometimes mooted that European and Anglo-Indian education might be centralised ?—Yes, on several occasions since 1921.

143. I do not want to anticipate the deputation ; but can you just help us about that ?—Four arguments, as far as I can make out, have been urged in favour of centralising European and Anglo-Indian education. The first is that by centralising it you would ensure unity and efficiency of control. The second argument urged in favour of it is that you would thereby place the question of financial assistance being given to European and Anglo-Indian education on a more liberal and more stable basis. The third argument which has been urged in favour of it is that you would thereby prevent waste which at present takes place as a result of overlapping.

144. Do you say that there is waste at present or is it merely a part of the argument ?—I am merely stating it as part of the argument which has been put forward by those interested in the centralisation of the subject. The fourth argument which has been put forward in support of the proposal is that you would thereby remove this question from the arena of racial and political trouble in the provinces. Those are the four arguments which have been put forward in support of the proposal. As against these of course I think there are certain arguments. The first is that the mere vastness of India renders it impossible that centralisation would ensure either unity or efficiency of control. The second is that far from removing this question entirely from the arena of political trouble, you will be transferring political or racial controversy from the provincial legislative council to the central Legislative Assembly ; and the argument—a basic argument—which occurs to me is that if you centralise European and Anglo-Indian education then you defeat the one main object which the European and Anglo-Indian community say they have all the time in view and that is that they should become an integral part of the bulk of the community in India. After all, education is a process that represents a stage, a formative stage, when you can to some extent facilitate or stimulate the process of integration and you are not going to do this if you cut a community adrift from the general educational arrangements or system in force in the provinces.

145. That conveniently summarises the pros and cons. There was, was there not, a year or two ago, a conference of Directors of Public Instruction in the different provinces about it ?—Yes, in January, 1927, we had a conference of the provincial education administrators, and they discussed this question among others. I am speaking from memory but I think I am stating their conclusion correctly in saying that almost the unanimity of opinion was against centralisation.

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148. *Colonel Lane-Fox* : I suppose there is some research work done in this country ?—Not all research, sir, but some very important branches of research are under us—medical research, agricultural research, forest research.

149. Agricultural research is under you ?—Yes, that is under us. We also have a veterinary institute at Mukhtesar. We have got an experimental farm for the production of sugar-cane in Coimbatore. That is under us. In fact we may say that all the important agencies for agricultural research are under our control.

150. *The Chairman* : I am interested to know what your department does. Let us take for example a very important agricultural institution which some of us had the advantage of visiting in Punjab. Is that under the Punjab Government, or under the Government of India ?—That is under the Punjab Government, sir, I was just going to state the difference. The Agricultural College which you saw at Lyallpur is primarily an educational institution. I do not know that they do very much research there. The main research activities for which the Government of India take credit are done through agencies and institutions under us.

151. *Colonel Lane-Fox* : But there is considerable research work going on at Lyallpur ?—I am very glad to hear that, sir.

152. Anyhow that is under the provincial Government ?—Yes ; that is under the provincial Government.

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155. *The Chairman* : Would you just tell me, Mr. Bajpai, research work under modern scientific conditions, whether it is medical research, or whether it is agricultural research, whatever it may be, of course is being conducted now in your department largely I think by the comparative method, is it not, I mean by the interchange of specialists of investigation between one department and another ?—Yes.

156. My recollection is that, for example in Canada, the research organisation in Canada is centralised. Is that not so ?—Yes.

157. And I think the same thing is true in other places, South Africa, for example.—Looking at it from that point of view, as regards the local research you have been referring to, such as the medical research, agricultural research and so on, is it important to organise it in India not only for the purpose of seeing that here in India progress is made, but for purposes of bringing into existence a system of interchange between different parts of the world ?—That certainly, sir, is an objective to be aimed at and an objective which we have always kept in view, and I may say that although no interchange in the sense that you mentioned, namely, our workers going abroad, and workers from abroad coming over here, has actually taken place, interchange of ideas certainly we have had. And in the medical sphere particularly opportunity for that has been provided by our membership of the Office Internationale d' Hygiene Publique in Paris, and by our membership of the Health Committee of the League of Nations.

158. And I gather that your experience of the study of the subject does lead you to think that that should rather be looked at as a thing to be distributed from the centre ?—Quite so, sir. There is of course item 33 here in Part I of the Devolution Rules which definitely says that " Central agencies and institu- " tions for research (including observatories), and for " professional or technical training or promotion of " special studies " are a central subject.

159. But you do not suggest any change in the distribution of powers over subjects under this head ?—Of course, sir, the wording of item 33, as I read it, does not prevent a province from undertaking research on its own account if it chooses to.

160. *Raja Nawab Ali Khan* : Will you please tell me how many of the services in your department are under the control of the province ?—I do not quite follow the implication of that question. There are three main transferred subjects—the Indian Medical department, the department of Agriculture, and the

department of Education. Up to 1924 we had, and in fact we have even now, an Indian Educational Service, an Indian Agricultural Service, Indian Veterinary Service, and Indian Medical Service. We have these four services, but whereas formerly they were All-India services recruited and controlled on an All-India basis, the position now is that you have merely a collection of officers who belong to these services and who are still serving in the provinces. For the rest, now local Governments have the power to bring into being their own educational service, agricultural service or veterinary service, or forest service, the last named in Burma and Bombay only.

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174. *Sir Zulfiqar Ali Khan*: You have now under the Government of India a Commissioner for Education ?—We have an Educational Commissioner here.

175. What are his functions ?—The Educational Commissioner's functions now may be classified under three heads. First with regard to universities: He gives us advice in regard to universities which are central subjects, e.g. Aligarh, Benares and Delhi. Those are the three Central universities. Secondly, he would advise us from the technical point of view in regard to any legislation which may come up to the Government of India from provinces either for previous sanction, or for the assent of the Governor-General. Thirdly, he is our principal technical adviser in regard to education in the three principal directly administered areas, that is to say, the North-West Frontier Province, Ajmer-Merwara and Delhi. That represents his work for us as a department. But in addition to that he advises the Foreign and Political department about Chiefs Colleges, and he advises also the Army department as regards the examination of candidates for Sandhurst.

176. Supposing the provinces get autonomy, then would you abolish this office ?—It will all depend on whether we have or we have not any connection with education.

177. *Sir Hari Singh Gour*: Was it not one of the recommendations of the Inchcape Committee to abolish that ?—Yes; it was, but we did not accept it.

178. *The Chairman*: Was that recommendation in the interests of education or of economy ?

Sir Hari Singh Gour: If I remember right, sir, it was in the interest of both.

The Witness: Primarily in the interest of economy.

179. *Sir Hari Singh Gour*: But they have mentioned also that Education was a transferred subject and in consequence arising out of the observations made by the Inchcape Committee you appointed a Superintendent of Education of schools under the centrally administered areas ?—I may explain the point in some detail. In the first place I would not altogether accept the competence to advise in regard to educational matters of the Inchcape Committee whose primary function was to advise regarding the expenditure of the Government of India. And the administrative modification to which Dr. Gour refers was made, not merely to justify the retention of the Educational Commissioner with the Government of India, but to economise on the post of Superintendent of Education in Ajmer-Merwara and Delhi, which was at the time a separate post and which was abolished as a measure of economy.

180. *Sir Zulfiqar Ali Khan*: Do you not think that in the event of autonomy being given to provinces the retention of this office would be an anomaly ?—So far as education is concerned the provinces now have practical autonomy.

181. But you said that universities in different provinces may be handed over to the provincial Educational department ?—I should very much be surprised to find either Aligarh, or Benares or Delhi universities agreeing to be made a provincial subject.

182. *Sir Hari Singh Gour*: Was not one of the recommendations given by the Educational Commissioner that university legislation was a central subject and he had to advise on the subject of university legislation ?—Some legislation under the Devolution Rules is one of the central subjects; certainly.

183. But that reason has now been eliminated by reason of the fact that university legislation has become a provincial subject ?—Not altogether, sir. I will just refer my friend to item 5 in Part II of the Devolution Rules at page 203.

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187. *Sir Hari Singh Gour*: * * * You remember, after the Inchcape Committee's report, saying that you could not accept it because the control, the regulation of the constitution and functions of the university was a central subject, and therefore you retained the Educational Commissioner ?—Of course the change to which you refer took place as a result of the recommendations made by the Muddiman Committee which was subsequent to the recommendations of the Inchcape Committee, and my point still remains to this extent, that a number of subjects under Education are excluded from the category of provincial subjects, those being the Benares Hindu university, the Aligarh Muslim university and the Chief's colleges. The definition of the jurisdiction of any university outside the provinces in which it is situated is also subject to legislation by the Central Legislature.

188. You have given him the rank of a deputy secretary ?—No. For the purpose of departmental noting his functions are those of a deputy secretary, because he was given a number of secretariat subjects, such as Archæology, etc.

189. *Sir Zulfiqar Ali Khan*: You give grants-in-aid to these universities ?—To the Central universities, yes.

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193. *Sardar Shivdev Singh Uberoi*: Would you tell the Conference how far the principle of compulsory education is applied in India as a whole ? Have you got any information about that ?—We have produced a memorandum on that subject trying to review in the light of our knowledge how far compulsion has been introduced in the different provinces. I could not tell you off-hand what the extent of compulsion actually is to-day in India.

194. But can you tell us if it is on a satisfactory basis, or is it only in very small localities that it has been introduced, in the Bombay Presidency or in the Punjab ?—I should say that on the whole the progress made so far with the introduction of the principle of compulsory education in India was limited.

195. Do you know that one of the drawbacks or difficulties in the way of mass education and compulsory education is the paucity of funds with the local and district boards and that the members hesitate to levy any fresh taxation to meet the growing expenses on education ?—I have heard and read statements to that effect.

196. Having that in view, is it not fair that the Government of India should contribute towards the expenses of mass education in the whole country ?—The Government of India cannot do so under the Constitution as it is to-day. The Government of India are precluded from expending central revenues on a provincial subject.

197. *Sardar Shivdev Singh Uberoi*: Just one question about the Indian Medical Service. Would you please enlighten the Conference about the recruitment in that service ?—I am not myself responsible for recruitment to the Indian Medical Service. The Army department are concerned with it. I can inform the Conference that I think since 1915 such recruitment as has been made has been made by means of selection, as against open competitive examination which used to be the practice or procedure for selection before 1915.

198. And who is the authority for making the selection ?—The Secretary of State of course makes the appointments. I do not quite know how he selects people in England, but here in India we have a selection Board consisting of the Director General

of Indian Medical Service, the Director of Medical Services, two ex-Inspectors General of Civil Hospitals and, I believe, one other medical officer.

199. Are the terms, the emoluments and allowances the same for the Indians taken in that service as for the foreigners taken in that service, or is there difference between the allowances of Indians and of foreigners in the service ?—I should say that those who have got permanent commissions in the Indian Medical Service are treated in regard to emoluments on exactly the same footing irrespective of race. I would not be quite sure in regard to one matter; that is overseas pay. As regards passages I know very definitely that the Indian members of the Indian Medical service do not get the same facilities as European members.

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DELHI.

Dated, 27th November, 1928.

PRESENT:

ALL THE MEMBERS OF THE COMMISSION (MR. HARTSHORN FROM 12 NOON ONWARDS ONLY) AND OF THE CENTRAL COMMITTEE (EXCEPT SARDAR SHIVDEV SINGH AND DR. SUHRAWARDY).

Mr. A. C. McWATTERS, C.I.E., I.C.S., Secretary to the Government of India in the Department of Industries and Labour.

1. *The Chairman*: Mr. A. C. McWatters, are you Secretary in the department of Industries and Labour ?—Yes.

2. That is, is not it, the department which is in charge of one of the Members of the Governor-General's Executive Council, the Member in charge of Industries and Labour ?—Yes.

3. At present Sir Bhupendra Nath Mitra ?—Yes.

4. I should like to begin, with the help of what we call the red book, in getting quite clear what is the relation of the Central Government to the topics which fall under the general head of Industries and Labour. Let us look at the Devolution Rules for a moment. In the red book* at page 206 in the list of provincial subjects one sees No. 26 is "Industrial matters included under the following heads, namely—"(*a*) factories; (*b*) settlement of labour disputes; "(*c*) electricity; (*d*) boilers; (*e*) gas; (*f*) smoke "nuisances; and (*g*) welfare of labour, including "provident funds, industrial insurance (general, "health and accident), and housing," and then some words follow which I will read in a moment. Those matters, therefore, come within the list of provincial subjects ?—Yes.

5. Then does it follow from that, that broadly speaking, your department is concerned with subjects which are for the most part provincial ?—No, that follows only so far as the subjects which come under the head of Industries are concerned. If I may say so, the name of the department is perhaps a little misleading, because it deals with a wide range of subjects which are outside the head of Industries. So far as the particular head of Industries is concerned, the result of the Reforms has been to transfer to the charge of local Governments practically the whole of the subjects which come under that head, with a definite exception which is made in the other part of the Devolution Rules.

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9. The effect of section 80A, sub-section (3) subhead (*f*), as applied to the subject of industrial matters, is therefore this: industrial matters is a provincial subject, but in so far as regards five of the heads, including factories, it is a provincial subject which has been declared by rules to be subject to legislation by the Indian legislature; and the constitutional effect of that, as I follow it, is that though, of course, the Central Legislature can legislate (for no one suggests its power is limited), the local legislature may not legislate on those particular topics without the previous sanction of the Governor-General. Is not that correct ?—That is correct.

* Government of India Act.

10. I think you were going to tell us that apart from these industrial matters your department really covers another field which perhaps might not be gathered from its title ?—Yes.

11. Will you tell me what that is ?—It includes, for instance, the control of Posts and Telegraphs, the control of Irrigation, the purchase of stores for the Central Government, central public works, including New Delhi——.

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13. We need not have a complete list, but are those the main things ?—Those are the main things. There are a good many other smaller ones, and there is Communications.

14. Let us take the things of which you have just given us a useful list. Posts and Telegraphs, I apprehend, is Central in every sense—completely and absolutely Central ?—Yes.

15. Irrigation, on the other hand, is, is not it, in the Governors' provinces a provincial subject, at present reserved ?—Yes.

16. Do I understand that the department of which you are speaking so far as Irrigation is concerned will have a primary responsibility in British India, outside the nine provinces, say in the North-West Frontier Province, under the head of Irrigation, but that in respect to the Governors' provinces it will have the power of supervision and control ?—Yes.

17. Purchase of stores for the Central Government and central public works, are of course in every sense central matters ?—Yes.

18. To go back to the red book, we must, must we not, read with item 26 on page 206 the provision to be found on page 212 ? One of the subjects for transfer is Item 16 of Schedule II: "Development "of Industries, including industrial research and "technical education."—May I intervene to say this ? No. 26 on page 206 is really concerned with labour matters; the development of industries is No. 25.

19. The development of industries is No. 25 on page 206, and that is not only provincial but transferred.—Yes, and subject to the caveat on page 201, Item 20.

20. Let us consider development of industries for a moment. You regard it as rather a separate head from the other ?—Yes. I regard No. 25 as Industries, and No. 26 as Labour. Industrial matters such as control of factories and welfare of labour might be regarded as Labour rather than as Industries.

21. Very well; tell me if I have it right now. Item 26 on page 206 may fairly be described as your Labour section ?—Yes.

22. Item 25, which is the development of industries, is your Industries section, and that must be read with the paragraph on page 201 ?—Yes.

23. I think the Conference had better look at that, because the construction is rather elaborate. On page 201 one sees that among the Central subjects is Item 20, "Development of Industries" ?—In certain cases.

24. I am going to read the paragraph; it is Item 20: "Development of industries, in cases where "such development by central authority is declared "by order of the Governor-General in Council, made "after consultation with the local Government or "local Governments concerned, expedient in the "public interest." That is a qualification, and would bring among the Central subjects development of industries only in the cases thus indicated ?—Yes.

25. Has that happened ? Have there been cases in which the declaration has been made by the Governor-General in Council that it is expedient in the public interest ?—Yes, it has been made in the case of the steel industry. It was made there in order to enable the Central Government to legislate for the protection of the iron and steel industry in India, and it was made in connection with the wagon-building industry in order to enable bounties to be given.

26. Railway wagon building ?—Yes. Those two are the only cases in which any declaration has been made.

27. I see there is a note at the bottom of page 201 which speaks of a declaration regarding the steel rail and railway wagon industries ?—Yes. The rails were made at Tata's, which is the big steelworks here.

28. Is it steel rails or steel and rails ?—It is steel rails.

29. There have been two cases in which an order has been made ?—Yes.

30. One case dealt with steel rails ?—Yes. As a matter of fact, the same Act really dealt with wagons too; it was all done at the same time.

31. The development of the steel rail and wagon industries has been made central ?—Yes.

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35. Since the development of the iron and steel and rail and wagon-building industries has been declared to be a matter which it is expedient to have dealt with by the central authority, has there been any attempt by any province to get the leave of the Governor-General to legislate about it ?—No, there has been no such attempt.

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The Witness: May I mention what I think is an interesting point ? You have mentioned trade disputes. In 1924 the Bombay Government asked for permission to legislate independently on the subject of trade disputes, and the Government of India refused sanction on the ground that they were thinking of introducing Central legislation, which has now been put before the Assembly and circulated for opinion.

36. That is a very interesting example. Which is the trade disputes section ?—That is section 26 (*b*).

37. Let us just work that out. If one turns to page 206, section 26 (*b*) is settlement of labour disputes, and that is therefore a provincial subject ?—Yes.

38. You might therefore have supposed that the provincial legislature at Bombay could go ahead and legislate, but 26 (*b*) is subject to legislation by the Indian legislature, and by section 80A it follows that they could not legislate without the previous sanction of the Governor-General ?—Yes, and that sanction was refused.

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39. *The Chairman*: And you tell me that in that instance, when the provincial legislature applied for leave, they were told that leave ought not to be given because the Central Legislature thought of legislating for India as a whole ?—Yes.

Sir Arthur Froom: And there was also considerable divergence of opinion in the province itself on the proposed legislation, I think I am correct in saying.

The Chairman: Yes. Whatever the grounds were, the position was quite clear, that until you got the previous sanction of the Governor-General the province could not go ahead ?

Sir Arthur Froom: Quite.

The Witness: There have been cases under other heads where sanction has been given to provinces to legislate.

40. *The Chairman*: Just give me a good example, will you ?—Construction of factories was one case. The Government of India considered whether they would have general legislation to determine principles of factory construction. They consulted local Government, and on examining the cases they thought the differences of climatic conditions and differences in types of labour, and so on, were such that they thought central legislation would not be suitable, so they said they would not legislate centrally, but if the provinces liked to legislate provincially they could; and the Burma Government has proposed to do so.

41. That would be a case where the Burma Government would apply to the Governor-General for the permission, and where they in fact got it ?—Yes.

42. That was because, I suppose, local conditions would vary, and therefore it would be difficult for the Central Legislature to lay down a code which was equally appropriate for every part of this vast continent ?—Yes. I may say the Bombay Government asked the Central Government to reconsider their decision. They said, "We want an Act." One of their reasons was "We find difficulty in getting "it through the local council, and we would sooner "have legislation through the Central Legislature"; but that was not accepted.

Major Attlee: That is dealt with on page 1502* of this book.

The Chairman: Yes, that is the passage, on page 1502 and onwards of "The State and Industry." *

43. Now I should like to ask you one or two matters of fact. How do matters stand at present as regards factory legislation ? I have in mind what I read on page 1483* of this book. What is the present Factory Act ? What is the year of it?—1922 was the last big revision of the Factory Act. There were one or two minor amending Acts subsequently, but the big Act was passed shortly after the Reformed Constitution came into force. It was practically a complete revision of the factory law, embodying the Hours of Labour Convention of Washington.

44. Yes; I will ask a question about that in a moment. If one turns back in this book to page 1479,* one sees that factory legislation seems to have been developed rather late. The first Mines Act was passed in 1901. That is at the middle of page 1479* ?—Yes.

45. It was an attempt to regulate hours, and it was not until 1924 that any restriction was placed on the age at which children might be employed, or on the hours for which they might be worked ?—That is correct.

46. Am I to understand that down to that time a child could be worked underground ?—In mines, yes.

47. For any number of hours ?—There was no legislation, I think, until then.

48. And a woman ?—Yes. Women work underground now, but there are proposals which are now before the country for abolishing women working underground within a period of years—completely in the case of some mines, and in a period of ten years in the case of the coal mines.

49. Then this very interesting book goes on to say,

* Vol. V.

at page 1479* :" "The introduction of electric light in "factories combined with an increasing shortage of "labour led to a steady increase in working hours "until by 1905 . . . the majority of the operatives "in the Bombay cotton mills were worked for 14½ "hours a day" ?—Yes.

50. ". . . and in most of the textile mills through-"out the country hours ranged between 13½ and "15 hours." Am I to understand that hours of that sort were permitted by law even in the case of children or women ?—There was a limitation in the case of children and women in factories dating back much earlier.

51. Then that refers, does it, to male adults ? —Yes. There was a limitation of 9 years old from 1891, and there was a limitation of the hours for women also from a fairly early period. Women's hours were limited to 11 in 1892.

52. Just going on with page 1479*, it was not until 1911, after investigations by two Commissions, that the new Factories Act was passed into law, and you tell me that the last revision (and no doubt it would be an improvement) was 1922 ?—Yes.

53. Do you mind telling me now what is the limit of hours for adult male workers working in factories ?— Eleven hours with one hour's rest is the maximum.

54. Do you mean one hour's rest out of the 11 ? —Yes.

55. Then there is by Convention, I know, some limitation now in the working week. Has that been arranged by negotiation between bodies of employers and employed, or is it the result of any statutory provision ?—There is a statutory restriction of 60 hours a week in the Factories Act. That was after the Washington Convention, to which India was a party. The hours fixed generally in the Washington Convention were relaxed in the case of some Eastern countries, of which India was one.

56. I think I might ask you a question or two about that. You deal with the Washington Convention, beginning on page 1483*, and on the next page, 1484*, the book says this : "In February, 1921, a series of "Government resolutions was introduced in the "Legislative Assembly urging the acceptance of most "of the important proposals made at Washington. "These included the imposition of a weekly limit of "60 hours on the employment of industrial labour, "the prohibition of night work by women and young "persons in factories, and the raising of the minimum "age for industrial employment to 12." I see that before that the minimum age had been 9 ?—Yes.

Lord Burnham : That is under the backward countries clause ?

57. *The Chairman* : Yes, that is it. I think I would like to read on, though of course we have all had it before us, and we know it : "The debates on "the resolutions relating to these and the other "proposals were significant. Nearly all the pro-"posals were carried without a dissentient voice "and the only question which aroused a controversy "was the proposal to raise the minimum age of "employment to 12. Here all were agreed that an "advance was necessary, but a substantial section "of the Assembly desired to fix the age at 11 and "was defeated by a small majority." Does that mean that 12 was carried ?—12 was carried.

58. And is 12 the law now ?—Yes.

59. As regards following the lead of the Washington Convention, I should infer that the record in India is good ?—Yes, certainly ; everything that was agreed to there was put into legislation immediately after these resolutions were carried in the House. It was made the basis of the new Factories Act which was passed in 1922.

60. And the method was, was it, that first resolutions were carried ?—Yes.

61. And then, when it was found that the sense of the House was in favour of the resolutions, a Bill was introduced ?—Yes. I think that is obligatory. Any Convention which we accept, or even if we do not accept it, in the International Labour Organisation at Geneva has to be put in the form of a resolution before the legislature of the country.

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62. * * * There is just one other point. Factory Acts, and statutes limiting hours of labour and restricting the employment of mere children, are all very good, but the only thing that really matters is how they are enforced. Now, what do you say about that ? —The method of administration is provincial ; that is to say, the inspectors of factories are appointed and work under the provincial administrations. They report to the Government of India ; they send in all the results of their yearly working, but they are actually provincially administered in the case of factories—not in the case of mines. Mines have a Central Government staff of inspectors.

63. Let us keep to factories. It is an interesting arrangement. It is an arrangement by which the central authority legislates, and then the provincial authorities administer the legislation ?—Yes.

64. It is obviously a thing one wants to follow. It is a matter which has a very direct bearing on the Constitution of British India. I gather that all your department, the central department, has to do with the administration is this, that you receive annual reports from the provinces as to how the inspection has got on, and what the results are, and so on ?— Yes, and we co-ordinate the reports and publish them for the whole of India.

65. Still, that is producing a book. I am much more interested in seeing whether the law is effectively enforced and observed. You have no central system of inspectors ?—No central inspectors, no.

66. I do not know whether you are able to tell me ; do you think that the law is observed ?—I think it is observed. There is a large staff of factory inspectors in the provinces, which has been greatly increased in the last year or two, but it is a matter primarily for them to administer the law.

67. Do you regard that as a satisfactory arrangement, that one authority should make the rules and then another authority should be charged with the duty of seeing whether the rules are carried out ?—I think in the conditions of India it probably is perhaps the best way. It makes the local Governments directly interested in the conditions of working in the factories, with which they should be in closer touch than we can be at the centre in Delhi.

68. Has the local administrative authority conferred upon it, does it enjoy, any powers in the way of relaxation ?—Certain relaxations are allowed, but in most cases I think they are subject to the sanction of the Governor-General in Council. In case of emergency the only powers the local Governments have on their own initiative are given by section 56 : "In "case of any public emergency, the local Govern-"ment may, by an order in writing, exempt any "factory from this Act to such extent and during "such period as it thinks fit." In the case of most other exemptions they have to get the consent of the Governor-General in Council.

69. These reports which you get, do they include an account of how many cases there have been in the province where there has been a prosecution for breach of the factory law, and an account of the conviction and punishment ?—Yes ; they get full accounts of that, and of accidents.

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72. *Lord Burnham* : I have one or two questions to ask on the relations of India with the International Labour Organisation. Will you permit me to say that India has a very good name at Geneva for the way in which it has tried to carry out recommendations and Conventions ? I would like to ask you, first of all, whether India will be content to remain in the category of the industrially backward countries, where India is placed under Part XIII of the Treaty of Versailles ?—I think certainly the answer is in the negative. No country ought to be content to remain there.

* Vol. V.

73. Of course, that arose at once in regard to what is called the Eight Hours Convention, did it not ?—Yes. It was not so much perhaps because it was industrially backward, but because the conditions were perhaps more difficult, climatically and otherwise more difficult.

74. I am using the phrase, I think, that is authoritative ?—Yes.

75. It is now the case that India has a permanent place on the Governing Body of the International Labour Organisation, is it not ?—That is so, yes.

76. I think the High Commissioner is the representative, is he not, at the moment ?—Sir Atul Chatterjee, yes.

77. Would it then be likely now that India will itself propose an advance on the lower standards which are now accorded to her ?—As regards hours of labour ?

78. As regards hours of labour particularly, of course ; but general Conventions can be adapted to the conditions of what are called backward countries ? —There has been no proposal officially for introducing legislation for shorter hours. It would be quite within the powers of the Government to introduce legislation themselves for shorter hours if they liked. We have introduced the hours that we agreed to at Washington, but that would not prevent the Government from shortening those hours by legislation if they could carry it with the agreement of local Governments and of the Assembly.

79. But to put India on an equality with Western nations in the eyes of the International Labour Organisation it would require, of course, an agreed amendment by all the Powers, would it not ?—Yes. India is excepted. If the exception were taken away, we should have to fall into line with the general hours, or else not ratify.

80. Is it the case that the International Labour Office is now to be represented here for all India by a local office ?—A local office, a correspondence office, was started in Delhi a few weeks ago, which is in direct touch with the Labour Organisation.

81. There have always been local bureaux in the provinces, have not there ?—Not labour bureaux in every province. Bombay has a labour bureau of its own. They have reduced it recently ; it used to be bigger than it is now. Madras has a Labour Commissioner, and Bengal has an organisation, but not every province. In most provinces labour matters are dealt with in the ordinary secretariat.

82. They will furnish information, I suppose, to the International Labour Office through the Government of India ?—Yes.

83. Is it the case (I will not go over all these things, of course) that in regard to the administration of the Acts rendered necessary by the Labour Conventions the Government of India give any guarantee that the law is properly carried out ? Does it inspect the inspectors ?—We certainly have responsibility for seeing that everything is carried out to comply with Conventions we have signed. If it came to our notice that any province was not carrying out one of the principles to which we had agreed and which we had put in legislation we should certainly interfere.

84. You are aware, are not you, that any country which, having ratified a Convention of the International Labour Conference, does not see to it that it is properly carried out, can be brought before the Permanent Court of International Justice ?—Yes.

85. That has never been done to India, has it ?—No.

86. No, I know it has not.—We have always taken great care to see that everything is carried out ; first that legislation is passed and then that it is observed.

87. You are satisfied, then, that these laws are observed to your own satisfaction ?—Yes.

88. You do not suggest any procedure other than you have now ?—No, not in this case.

89. As you are aware, in almost all cases in Federal States (I speak subject to correction) industrial laws have to be passed and administered by the State or provincial authority ?—Yes.

90. India is an exceptional case and is working satisfactorily under another system ?—In practice we consult local Governments in detail before we brief our representatives at Geneva, and we know what their views are before we subscribe to any Convention. We get them to agree or, if they did not, we should probably legislate over their heads and see the law was observed. In practically every case, however, we get agreement with local Governments as to the policy which the Government of India should put forward as their policy.

91. You are aware that originally the Governing Body of the International Labour Office had as permanent members only the six nations of principal industrial importance ?—Yes.

92. And therefore the admission of India as a permanent member places her seventh in the order of industrial importance in the whole world ?—Yes.

93. *Colonel Lane-Fox* : I suppose it is true to say that since the Reforms labour questions have been more gone into and labour has been more cared for than before ?—I think that is undoubtedly the case. I think this book is evidence of the greatly increased interest in labour questions since the Reforms.

The Chairman : It is a very interesting book from that point of view.

94. *Colonel Lane-Fox* : It has been suggested to us on several occasions that Irrigation, instead of being a reserved subject, might be transferred. What would be the effect on the control that the Government of India has if that was made a transferred subject ?—That is a very difficult question. Our control is principally exercised in two ways. In the first place, the Secretary of State and the Government of India acting for the Secretary of State has to give sanction to any project which costs more than Rs. 50 lakhs. A provincial Government, if it desires to carry out an irrigation project costing more than that, has to send the project in detail up to the Government of India, and the Government of India has to send it on to the Secretary of State for his sanction. The procedure which has been adopted recently is that a central Board of Irrigation has been formed, consisting of our consulting engineer and the chief engineers of all the provinces. A scheme of that kind is referred to a committee of that Board consisting of our consulting engineer and two chief engineers from other provinces, and so there is a second opinion which goes on to the Secretary of State, either recommending acceptance or not of the scheme. I am dealing now purely with this question of a second opinion on their schemes. It is very important, I think.

95. How did you say that Board was formed ?—It consists of the consulting engineer to the Government of India and the chief engineers of all the provinces. They form the Board. The Board does not meet as a Board, but questions are referred to a committee of the Board, for which the Government of India lend their consulting engineer and two of the provinces are asked to lend the services of their chief engineers, to examine any particular scheme. The Government of India had correspondence with the Secretary of State in 1926 on this question, and they proposed that this 50 lakhs limit should be abolished and that in future it should not be necessary for local Governments to get further sanction for any scheme, irrespective of its amount. What we would like to see is that this central Board of Irrigation should be available as a second opinion in every case for local Governments, and perhaps for it to be made obligatory that they should take a second opinion in that way, but we think that the further reference to the Secretary of State might be dispensed with.

Has that been turned down ?—The Secretary of State did not turn it down, but he said he preferred not to pass orders until this Commission had reported.

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Witness: It is important, because if that further reference for sanction for schemes over 50 lakhs were removed it would take away one difficulty in transferring the subject of Irrigation; that is to say, there would be no further control exercised over schemes at all, except that in some way or other one would like to see the taking of a second opinion from this competent Board of experts in India made obligatory. Whether that could be done within the present definition of a transferred subject is arguable. That is one side of the question, the question of technical control of the schemes. The other side, which is equally or more important, is that in the Irrigation service the recruitment of European engineers up to 40 per cent. of the whole is still continued. Forty per cent. are recruited from Europe, 40 per cent. recruited direct in India and 20 per cent. are promoted subordinates.

100. *Colonel Lane-Fox*: Who carries out the recruitment?—The Secretary of State recruits in England 40 per cent. of the engineers required for the Irrigation departments of the provinces.

101. Is he sending out suitable men?—No. We have had great difficulty in the last year. In the last year we had nine vacancies to fill, and the Secretary of State has quite recently reported to us that he has been able to obtain only three suitable men for the service of Engineers.*

102. What do you put that down to? There is a great shortage of work for engineers in the old country?—On receipt of that report, the Government of India deputed two of their leading engineers who were on leave in England to go round all the universities at Home and to inquire into the cause of the reluctance of men to come out, and to suggest any possible remedies. Their report has recently been received. They say it is not a question of pay; there is apparently a definite reluctance on the part of the engineers to come to the East, but also and more particularly they think it is due to the present method of recruitment, which requires men to spend a year attached to some firm of consulting engineers. They think either Government should pay the expenses of that year, or, if possible, the men should come out and be given their year's training here, and that in that case young men might be more willing to come out. But the fact remains that the present system of recruitment has broken down.

103. The year is intended to give them practical experience?—In general civil engineering. The engineer out here has to be very catholic; he has to build his roads and bridges and all his own houses as well as be a technical irrigation engineer.

104. You suggest he might get his practical experience out here?—One suggestion is that we should give it to him ourselves out here, yes.

105. Can you tell me what terms they are enlisted on?—I have not the figures here, but I could let you have them. There is a fixed scale for all the engineering services—railway engineers and the Indian Service of Engineers.

106. *The Chairman*: I do not think the question was directed to the salary, but to the prospects of permanent employment?—It is permanent service. They are recruited for the whole of their career out here, and retire on a pension like the members of any other All-India service. It was in fact suggested by our own consulting engineer before the Lee Commission that it might be better to bring men out on temporary contracts, and that you might be able to get more men if you brought them out on a five-year contract, and that proposal was considered by the Lee Commission, but they did not accept it; they preferred to adopt the present principle of recruitment for the whole of their service, and fixing a definite proportion of European recruits.

107. *Colonel Lane-Fox*: Roads are, I think, a transferred subject—the maintenance of roads?—Yes.

108. Are roads maintained by a central tax? There is a petrol tax now, is not there?—No. There is a tax on petrol now of four annas a gallon. The proposal of the Roads Committee, which reported a week or two ago, is that that should be increased by two annas, and that the proceeds of that extra taxation should be applied under the general control of the Central Legislature and given in varying proportions to the different provinces.

109. What is the existing petrol tax? Is that a local, provincial tax?—No, an All-India tax, an excise.

110. Are the proceeds of that distributed in the same way?—No. They go into the general revenues. If effect is given to this proposal it will mean an alteration in the Devolution Rules. You are going to spend the proceeds of a central tax on a provincial subject, and I think it follows an alteration of the Devolution Rules will be required. Sir Arthur Froom was a member of that Committee. I think an alteration will be needed.

Sir Arthur Froom: Yes, presumably.

111. *Colonel Lane-Fox*: Is no portion of the petrol tax at present spent on the maintenance of roads?—No, not directly. It goes to general revenues.

112. There is no grant from the Central Government to the provinces?—No, none.

113. I notice that the development of industries is a transferred subject and the development of mineral resources is a reserved subject?—Yes.

114. What is the reason for that?—With regard to mineral resources, I think the view taken has been that they were a national asset and required to be dealt with on general principles, and that individual provinces could not be allowed to take different lines as regards rates of royalty and methods of development. What actually happens is that a code of rules has been framed by the Secretary of State, and local Governments within those rules are given a fairly free hand. The rules lay down, for instance, that no license shall be given to anyone except a British subject, and also that certain rates of royalty shall not be exceeded, and that more than a certain area shall not be given to any one prospector or licensee; but beyond that the local Governments have a fairly free hand. As a matter of fact, I think several local Governments feel that they have not quite so free a hand as they would like, and I think it is possible some of them may give evidence to that effect.

115. As a matter of fact, mining legislation is a matter for the Central Government?—Yes, the Mines Act is a central Act.

116. And the inspectors also?—They are also central.

117. Surely there are some local inspectors as well?—No, the central inspection is all by our Mines Department.

118. How many inspectors are there?—Ten in India.

119. Do you know what the number of mines is roughly?—I have not the figures, but the largest numbers are in Bengal and the Bihar coalfields. Beyond that they are mainly scattered. In the Central Provinces there is a number of coal mines, but there is not a large number of deep workings anywhere else. In Mysore State there are gold mines.

120. There is some local body which superintends them?—Yes. Under the Mines Act one of the principal regulations is that Mining Boards should be appointed or may be appointed in every province. In fact, more than one mining board may be appointed in one province. Those are bodies to whom the local Government refers any question of difficulty arising in connection with the mines; for instance, if there is a bad accident they would appoint a special board to go into the question. Any rules or regulations that they frame under the Mines Act has to be referred to the mining boards. There is close local control as well.

121. What happens in case of a bad accident? Are the inspectors allocated to certain districts?—

* The witness subsequently amplified this statement *vide* Appendix B, p. 183.

No ; they work under the chief inspector, who sends his men wherever they are required. He is located in the mining area at Dhanbad ; his head-quarters are there.

122. In case of a bad accident, the mining board would call in all the help of inspectors they could ? —In case of a very bad accident they appoint a special board, with a magistrate as chairman and one or two assessors, including an inspector of mines. That is what happened the other day, when a very bad accident occurred in Bengal.

123. *Major Attlee* : Have you any statistics at all showing the number of visits paid to mines in the course of a year by your inspectorate ?—Yes. I have not got them here, but I could certainly provide them.

124. Could we be supplied with that ?—I think it would be useful to know. Also, could we have a note on the distribution of mines, apart from that mining area of Bengal and Bihar ?—I can give you those figures* quite easily.

125. Something has been said of the division you have between labour legislation and the administration of labour laws, one being central and the other provincial. What strikes one is that that cuts across the financial arrangements in India. As a matter of fact, the Central Government in the main takes the taxation from industry, while the provinces mainly depend on agriculture, and therefore it would seem to be rather unfortunate that let us say Bombay, which has a pretty substantial grouch (I have heard a good deal about it) of not getting its taxes from the profits of industry is expected to provide the money for labour amenities ?—Yes. I think the industrial provinces have a certain grievance under the present arrangement.

Major Attlee : I am looking at it now from the angle of the willingness of the local Governments to undertake the provisions of amenities and so on and see to the active carrying out of labour laws.

The Chairman : Factory inspection ?

126. *Major Attlee* : Factory inspection, and so on. As a matter of fact, it would be quite natural—I do not know whether it does happen—for the members to say, " Well, after all, our finances come mainly " from land revenue, why should we put up a lot " of money to look after these things, when the " profits go to the Central Government ? "—Yes. I think that industrial provinces certainly have a claim to a share in what you might call the growing sources of industrial revenue. There is no doubt about it, I think.

127. It looks rather as if the administrative and financial arrangements were not marching quite side by side. May I take a specific instance of that ? There is the question of statistics. We have heard in some provinces that the provinces resented having to supply statistics to the Central Government, and I gather from this book that your statistics are extremely incomplete ?—Yes. Well, we have never had a complaint as regards industrial or labour statistics. We have never found any local Government unwilling to supply them. The Bombay Government endeavoured to obtain a much more complete statistical Bill of their own, but they were unable to get it through the local Council.

128. Does it not hamper you enormously in industrial legislation that you have got no adequate statistics, and is there much hope with the present financial arrangements that you will get local Governments to shoulder the burden and provide really adequate labour statistics ? It looks rather as if it were failing, does it not ?—I think there is no doubt that a central statistical bureau on labour statistics would be a good thing. I think one could improve them. It would cost money, but I think that would be a fair charge—I am speaking purely personally—on the Central Government.

129. Quite ; because after all, they are going to use it for the purpose of legislation, and local Governments are not legislating on it, and it is the data required both for your international work and for your legislation ?—Yes.

130. As regards public opinion generally, do you consider that that is waking up on the subject of the conditions of labour ? I note a phrase here in which it is said that some time prior to the reforms the Government were not particularly awake, and public opinion was asleep, and the employers did not wish for any labour legislation. Do you think there is any change in that position ?—Public opinion generally ? I find it rather hard to answer as to that. As far as public opinion represented by members of the legislature is concerned (and, after all, the members are representative), I think it is true to say that there is an increased interest in labour questions.

131. Let me take an instance In 1924 Mr. Joshi introduced his Bill for providing that women employees should not work shortly before and after confinement. That was defeated by 51 to 47. Can you tell me what attitude the Government took on that ?—Government opposed that Bill, if I recollect aright ; I understand it was opposed, though I do not remember the details.

132. On page 1501* it is stated that the ground was that the necessity for legislation had not been established, that the principles of the Bill were questionable, and that it might have harmful results for female labour. I wonder on what ground the principles of a Bill stopping women working shortly before and after confinement were questionable ?—I do not think the Government opposed in that sense ; in fact, there is one Maternity Bill before the Government of Bombay, I think, now.

133. That is a purely local Bill ?—Yes.

134. I understand that there is no central legislation contemplated ?—Not at the moment, no.

The Chairman : Forgive me for interrupting, Major Attlee ; I am looking at the page to which you refer, page 1501.* May it not be that the reference to the principles of the Bill is to what is stated just above, that there were different maternity benefits to be met from a general fund established in each province under the control of the local Government, and built up by contributions from employers ?

Major Attlee : Well, I thought that that was perhaps more the detail of the Bill than the principle.

The Chairman : I cannot say. It does strike me as an interesting feature to say that the employers were to be the source of the fund which was to provide the maternity benefits.

135. *Major Attlee* : With regard to Mr. Chaman Lal's Weekly Payments Bill, am I to understand that that is a pretty widespread custom throughout India, to withhold wages for considerable periods ? —I do not think it is very widespread, but certainly in some parts there is evidence that wages are unduly withheld, and that is a subject which the Government of India have quite recently been in correspondence about with local Governments, to see whether central legislation is desirable. That subject is actually under their consideration now.

136. Is it likely to come forward at all ? Do you know what stage the consideration has reached, at all ?—Privately, I can say that the department with which I am concerned has formulated its own views after consulting local Governments, but there has been no decision of the Government as a whole yet.

137. Do you think the enforcement of labour legislation generally in the provinces is satisfactory ? —I have no reason to suppose it is not.

138. You depend, of course, merely on the reports of the local Governments ?—We depend on the local Governments, yes.

139. Now, as regards Indian States, is your department in correspondence with Indian States where there are industrial undertakings with regard to labour legislation, and the carrying out of Conventions, and so on ?—The question of the Indian

* *Vide* Appendix A, p. 183.

* Vol. V.

States is a very difficult one. When we undertake any convention of this kind we have had to explain at Geneva that we could not take the complete responsibility for the whole of India, that we could only take it directly for British India, and that caveat, so far as I know, has been accepted at Geneva without question. We do what we can; we undertake, by bringing matters to their notice, to try and get them to come into line, but we have no power to enforce on them principles of Conventions which we can enforce in British India.

140. You have a considerable extension, have you not, of cotton factories into some of the States adjoining Bombay?—Yes.

141. I wondered whether you knew how far these were carried out there?—I have not details, but I have no reason to suppose that the really organised industries in well-developed and well-managed States such as those you are mentioning are in any way really behind our own.

142. There is only one nominated labour representative in the Central Legislature?—Yes, only one. He is not nominated as such, but a man was nominated who was known to be a man who would represent labour views. He is not definitely called that, I mean, when being nominated.

143. But in view of labour legislation, is not one a rather small number? Is not he rather handicapped by having to be an expert adviser from the labour point of view on all sorts of very diverse things in very diverse provinces, which might come up under general labour laws?—Yes, I agree. I think that the labour representation in the Assembly should be very much larger than it is.

144. I think there are no labour representatives on some of the provincial councils, are there?—I have not got the figures here. I think there are ten altogether.

145. *The Chairman*: Madras has not one, the United Provinces has not one?—But they have depressed classes representatives.

146. But still, I think the answer is that they have not got labour representatives as such?—That is so.

147. *Major Attlee*: When you are dealing with a matter of labour legislation, have you any method of consulting the trades unions?—The consultation is always done through local Governments, and we expect them to consult the bodies principally interested. We do in fact get opinions from the labour unions. We do not send them direct ourselves; the consultation is done through the provincial Governments. Sometimes we draw their attention specially to the fact that we should like the opinions of particular classes. In connection with the Trade Disputes Bill, for instance, the point was raised in the House as to whether unions would be specially consulted, and I was in charge of the Bill, and I gave a promise that that would be specially brought to the notice of provincial Governments that it should be done.

148. Is not it rather a drawback of that division you have in legislation and administration on labour questions that you are only in touch with actual labour conditions in the centre at second-hand, through the provincial Governments?—Yes. Of course, both the Member and the Secretary of the department, and other officers, but mainly the Member and the Secretary, constantly tour and make themselves familiar with the conditions in the other centres. Every year, once or twice a year certainly, Calcutta and Bombay are always visited by the Member in charge, and probably by the Secretary as well.

149. You have no staff, so to speak, in day-to-day touch?—No.

150. *The Chairman*: It is perhaps convenient to get on the note what the facts are about the representation of labour in provincial councils. I think it stands thus. There are two nominated labour representatives in the Bengal council. There are now, I think, three in the Bombay council. There is one in Bihar and Orissa, one in Assam, one in the Punjab, and one in the Central Provinces. I think that is right?—Yes. The figures are actually given in one of the memoranda that were put in.

151. I was looking at the bottom of page 1481* of this book.—Yes, but there is a special memorandum on representation.

152. Yes, I know. In Madras, I think you said, there are ten seats for the depressed classes?—Yes.

153. *Mr. Cadogan*: Might I ask a question which concerns that particular point. I notice in a memorandum which was submitted to the Conference recently it was stated that factory labourers in one province at least hardly constitute a separate class, that they merge in and are indistinguishable from the great mass of the agricultural class. Can it be said that, speaking of India generally, there is a considerable section of factory workers and mine workers who can only be classified under such a heading in certain seasons of the year, and that divides its time between factory work and work in mines and agriculture?—Yes. In the case of mines, the workers are practically all agriculturists; they come and go. They are a floating population; they are not definitely miners at all, but they work in the mines and they go back to their homes. In Bombay you get a floating population, too, to some extent, but it is becoming more a permanent population, I think.

154. And that would make representation easier, the more permanent it became, I take it?—Yes; and in Calcutta they come down for fairly long periods from the Eastern United Provinces and Bihar, and they go back in a year or two. That was my experience when I was working in the Eastern United Provinces, that there was a large number of people who would spend a year or two, or six months sometimes, and then find their way back to their own homes and their agricultural work. So there is nothing very much of absolutely permanent settled population in the big centres.

155. *Lord Strathcona*: Could you tell us roughly, or perhaps later on more accurately, what is the proportion of mine workers in British India as compared to the Indian States?—I could get the figures. I have not got them here, but I could easily get them.†

156. Are they fairly evenly balanced?—The only important mining area in Indian States is Mysore, where there are the gold mines. That is a big area.

157. I had an idea that the proportion was pretty well equally balanced?—I think the British Indian population is much greater.

158. You told the Chairman that the hours of work for adult males in mines is now 11 hours, *minus* one rest hour. What are the hours for women and children?—The figures I gave were for factories.

159. Can you tell us what the figures for women and children are?—I have got the actual Acts here. Do you wish the figures for factories or for mines?

160. Both I should like to have, if the Chairman thinks there is time.—These are the general rules for factories (Indian Factories (Amendment) Act, 1922, section 17): "No person shall be employed "in a factory for more than sixty hours in any one "week." That is the weekly limit. "No person "shall be employed in any factory for more than "eleven hours in any one day." Then there are special provisions about the rest hour. Then as regards women (Factories Act, 1911, section 24): "No women shall be employed in any factory for "more than eleven hours in any one day." So that is the same as regards women. Then as regards children (Factories Act, 1911, section 23 (*c*) as amended by the Act of 1922, section 14 (2): "No child shall be employed in any factory for "more than six hours in any one day." As regards mines the figures are given in sections 23 and 26 of the Indian Mines Act, 1923.

161. *The Chairman*: You say in the case of men the daily work is 11 hours?—Yes, and then there is the rest period.

* Vol. V. † *Vide* Appendix A, page 183.

162. I am looking at page 1490* of the book, which says that the Bill there referred to provided for the limitation of daily hours of men to 12 ?—It was reduced to 11 when the Bill was before the House. That was the proposal, but when the Bill was actually before the House 12 was reduced to 11. That is a case where the legislation was actually improved by one hour on the proposals put up.

163. Yes, I see on page 1490* that "the Bill went "through a Joint Select Committee of both Chambers "which made few changes of importance; the chief "alteration was the reduction of the daily limit of "hours for men from 12 to 11."—Yes.

164. *Lord Strathcona*: I should like to ask one question about irrigation, following up something that Colonel Lane-Fox said. With regard to the survey of potential sources of power, irrigation and coal, and all these potentialities, is that chiefly Central or provincial? Is that carried out by the Central Board for Irrigation?—No, at the moment that is provincial. What happened was that just before the Reforms the Government of India had undertaken a hydrographic survey for the whole of India, and I think for two years there was a committee. They covered most of the field, but did not quite complete it. They had a special officer in charge of that kind of work with the Government of India. They have not got one now. Now it is provincial.

165. Entirely provincial?—Entirely provincial, but a good deal of the preliminary work was done; a good many of the likely places were examined by this central committee.

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172. *Sir Arthur Froom*: Would you give the Conference your impressions as to the attitude of the Central Legislature towards legislative measures brought forward in connection with the welfare of labour? Have there been many Bills passed affecting the welfare of labour since the introduction of Reforms?—There has been a great period of activity since the Reforms. Not only the Factories and Mines Acts were completely revised and made much more liberal towards labour but there were special Acts such as the Trade Unions Act and the Workmen's Compensation Act and one or two other measures affecting labour. In all these cases, I think I can say quite definitely that the Government proposals were accepted and passed without any serious opposition.

173. Could the Conference therefore draw the conclusion that since the Reforms were introduced and under the present system of Government in the centre, a number of beneficial measures in connection with labour have been passed?—I think, certainly.

174. Your department—I think you explained to one of my colleagues opposite—make it a rule to keep in close touch with the public in connection with labour matters?—Yes.

175. You have an advisory committee attached to your department?—We have.

176. Is it correct to say that through the advisory committee you are kept in full touch with public opinion?—Yes, certainly. I might say that we have received the greatest help from our advisory committee.

177. On your advisory committee the nominated member for Labour, I believe, has a seat?—Yes.

178. He makes his voice felt?—He does.

179. In reply, I think, to a question put by Major Attlee you admitted that the provinces might be expected to have real grounds for complaint in that they are called upon to administer legislative measures brought into being by the Central Legislature in connection with industries and to bear the cost of its administration whereas the income is derived chiefly from agriculturists?—Yes.

180. Might the Conference consider that your opinion on this point carries more weight inasmuch as for three years you have been the Finance Secretary?—Yes; I have met the problem in various capacities.

181. Then as regards the powers of the provincial legislatures to introduce legislation in connection with the subjects which are given on page 206* and to which our Chairman has already referred, I think you told us that no legislation had ever been introduced with possibly one exception. I want to put you this question: Would you consider it desirable that provinces should have different laws for their factories, for electricity, for boilers, for gas, smoke nuisances and so on? Would you consider it profitable or desirable for various provinces to have different laws controlling these subjects?—No. But for instance in the case of minimum wages, I can conceive the possibility of having local legislation; possibly, some form of minimum wage might be found suitable in one province which is not suitable for another and therefore central legislation might be difficult. Another case is about sickness insurance. I think some provinces might like to go ahead of others and introduce some form of legislation, and, as such, central legislation might not be desirable.

182. *The Chairman*: I think the instance that strikes me most is the last word in (*g*), viz., housing. Is that understood to mean housing in general or industrial housing?—Industrial housing.

183. One could imagine one province might desire to have a scheme which another province may not desire. No province can introduce legislation about industrial housing without the sanction of the Governor-General. It seems to have been regarded as partly central and partly provincial?—This particular proviso, sir, was the subject of great discussion at the time the Devolution Rules were being framed. This particular section was probably discussed more than any other and it took this final form; at various stages it was in different forms.

184. Do you think that including industrial housing among the heads which are described as "subject to legislation by the Indian Legislature" is right?—I think it is very unlikely that the Central Legislature could pass any useful measure of a general kind; it could only be in such a vague form as to leave the whole thing practically to local Governments to fill in the details.

185. *Sir Arthur Froom*: The Central Government will not refuse sanction to legislation for housing?—They will not as a rule refuse, but they will refuse if they were probably thinking of legislating themselves.

186. Still, to have different Acts for boilers, for instance, would be undesirable?—I quite agree.

With regard to the question put to you by Lord Burnham on the position of India being a backward country——

Lord Burnham: I did not say that. What I said was that India is put on the category of industrially backward countries. I want to make it plain that I did not mean any reflection.

187. *Sir Arthur Froom*: Still you gave the answer to his question that India at any rate is now waking up very much in the matter of labour legislation. I would not mind saying that in one piece of legislation affecting labour, it is far advanced than even most European countries—I refer to the Indian Merchant Shipping Act which is a boon to Indian merchants. Is not that so?—Yes.

188. There is one more question. How would you consider that the grant of full provincial autonomy would affect the Central Government generally? I think we had a question put to you in connection with Irrigation?—As regards Irrigation I pointed out what appeared to me to be the only two difficulties: One was the technical control of the schemes and the other was the continuance of the All-India service.

189. Is there any other particular subject, so far as your department is concerned, which will be affected?—Very little. Most of our subjects are either purely Central or those which are already transferred, with the sole exception of Irrigation.

* Vol. V.

* Devolution Rule 26.

For instance, there are still members of the All-India Service of Engineers in the buildings and roads branch of the Public Works department, but that branch has been transferred though the Secretary of State has still to safeguard the interests of the remaining members of the service. There is no new recruitment. In all other departments, Archæological and Geological departments and so on, they are purely Central subjects and we administer directly all the services under them. Very few problems of any practical kind seem to arise, I think, in this field.

190. As regards the satisfactory administration of your department, do you think any changes are desirable ?—It is rather a difficult question. I think several changes are desirable. For instance, I myself would like to see a redistribution of subjects. I am a strong believer in having the departments of communications in a single department. I was secretary in Llewellyn-Smith's Committee which has made that recommendation. As secretary of that committee I am naturally prejudiced in favour of it. I think a great deal could be done to improve the department if all communications were in a single department. That is purely my private view.

191. *The Chairman* : You mean, Railways, Posts and Telegraphs and Roads ?—Yes. Commerce and Industries must come together ; I always feel that that is the proper combination.

192. What you are speaking of now does not depend on the language of the Government of India Act because distribution is entirely a matter for the Governor-General ; it can be done without any further action on the part of the Imperial Parliament ?—Yes.

193. *Sir Hari Singh Gour* : How can a minister for Communications be appointed ? You are speaking of the minister of communications ?—I was speaking of the re-distribution of portfolios among the different members of the Governor-General's executive council.

194. *Sir Arthur Froom* : Have you ever considered the position of the Central Government where the members of the Government are responsible to the legislature ?—I have considered it.

195. Can you give your views ?—I am speaking here as Industries Secretary and I am afraid that if I were to give my views in the matter I would be covering a much wider ground.

196. *Sir Hari Singh Gour* : As regards labour legislation you said that you would like to have a large representation in the Legislative Assembly. Do I understand that you hold the view given at page 208* of the Government of India memorandum —The present representation of Commerce, Industry, Labour, Education and other interests in the Provincial and Central Legislatures, that " On the other " hand the feeling that the educated classes generally " are sympathetic to labour has influenced the " Assembly to a considerable extent " ?—Yes, I think that is so. But in spite of that I think labour ought to have a little more direct say. I do not say that the others have not been sympathetic, but I think the labour interests are so important now that labour should have a more direct say.

197. You think that labour interests have materially suffered by reason of the fact that there has not been that representation which you would have liked ?—I will not say that. I do not think that there has been up to date any failure to pass beneficial measures.

198. You have got an advisory committee attached to your department and you said that it is doing most useful work. Does your advisory committee often go to visit labour and industrial centres for the purpose of gaining practical experience as to the condition of labour and the state of industries in the country ?—Not as a committee. I think however I am right in saying that practically every member of our advisory committee is a man who has had considerable local knowledge. Mr. Joshi, for instance, is constantly touring labour centres and other members of the committee are men who have direct personal knowledge of industrial conditions.

199. Did you give any facilities to these members to acquire knowledge ? How many meetings do you hold in a year when you get them together ?—Their meetings take place as a rule when the members of the Assembly are gathered together for the sessions. We usually meet two or three times in a year.

200. You know that there was a meeting at Dhanbad ?—Yes, but that was the only one instance.

201. But it was a useful meeting ?—Yes.

202. Do you not think it is advisable to repeat that experiment ?—I tried myself last year when I was acting Member to call a meeting at Bombay to discuss some important things, but when I found it was impossible to get members together there I had to drop the idea.

203. You said that you and your Honble. Member make yourselves acquainted with the condition of labour and the development of industries in the country by touring ?—Yes.

204. Does the Honble. Member tour extensively ? —He does. Bombay and Calcutta are frequently visited and on occasions long tours are made. The Honble. Member has visited Burma and Assam too. It depends where the different problems at the moment happen to be most pressing. I think he is going down to Madras next month.

205. These are occasional tours ?—Yes.

206. Is that your sole contact with industrial labour ?—Practically.

207. How long do you visit these places ?—As a rule, about two or three weeks.

208. In a year ?—Twice or three times a year.

209. Do you have any industrial conferences for the purpose of acquiring knowledge and co-ordinating and stimulating industrial development ?—Industrial conferences were held on different occasions but there has not been one very recently.

210. Is it not a fact that you have not had one since a number of years ?—Yes.

211. Do you not think it is useful to revive these industrial conferences for the purpose of co-ordinating and stimulating industrial development ?—I agree that it is a good thing. We have recently for instance endeavoured to obtain some sort of co-ordination with local Governments in the matter of industrial research. Industrial research is a provincial transferred subject while the subject of institutions for research is Central. We think it is important that there should be some co-ordination and we have written to local governments five or six months ago asking them to consider this subject in connection with the Agricultural Commission's report which also deals with agricultural research and chemical research. We have suggested that after they have formulated their views a meeting of the ministers should be held to discuss the question of co-ordinating industrial research in India. That proposal has been definitely made to local governments.

As regards the need for the development of industries I would like to have your opinion on the need of having industrial exhibitions in various parts of the country under your ægis.

212. *Mr. Hartshorn* : Before you go away from the subject of industrial conferences I would like to know the nature of these conferences, whether representatives of employers as well as employees are present ?—These were purely Government ; the Directors of Industries and Members in charge of the department came up to Simla and met together.

213. Had you any conference of the representatives of the industry itself ?—No.

214. *Sir Hari Singh Gour* : I was referring to the industrial conference in the sense Mr. Hartshorn has used it ; whether you had representatives of employers as well as employees together in conference ?—No.

215. Do you not think it is advisable to have conferences of that nature ?—With some definite subject or generally ?

* Vol. IV.

216. With definite subjects placed before them ?—I think that is a point worth considering.

217. Do you not think that you should promote the holding of industrial exhibitions for the purpose of bringing home to the people at large the development of industries that are taking place in the country and the products which are available to the people ?—I think industrial exhibitions of that kind would probably be barred by the Devolution Rules as they stand. Provincial exhibitions have taken place and they have been very successful.

218. Have you encouraged the provinces to hold exhibitions ?—We have taken no part.

219. Have you established any industrial museum for the purpose of making the people visualise the industries of their own country ?—There again, I think we are debarred.

220. You are handicapped by reason of the fact that you are a Central Government and Industries is a provincial subject ?—Yes. Although I myself am strongly in favour of the provincialisation of the development of industries. I do think that the present restrictions are somewhat rigid. We are not in a position to spend money on any definite industrial project without bringing in this apparatus of declaring it a Central subject. Cases have arisen within my recollection where it was possible we might have given contribution to provinces for some specific purpose, but we are actually debarred, as the rule stands, from doing so.

221. To what extent has your Stores department been developed ? Has it been able to take possession of the railway stores—I mean to purchase railway stores through its agency ?—The Stores department is not in a position to order any department to use its agency, but it has, as a matter of fact, been increasing its influence especially in the Railway and Army departments considerably. It has been left to make its way and to convince the other departments that it is worth while to purchase through it ; it is doing this successfully but gradually.

222. Its progress has not been as rapid as the protagonists of the Stores department would like to see it ? I do not think it is now self-supporting ?—No.

223. To what extent are you now responsible for the purchase of railway stores ?—It is a matter for the railways themselves. As I said, they have agreed to purchase through the Stores department large classes of stores, such as oils, paints and various other things.

224. It is a very small percentage compared to the total requirements of railways ?—Yes, we still do not purchase the majority of railway stores.

225. What influence do you bring to bear upon the Railway Board to utilise your agency to purchase these things through the Stores department ?—The only influence is to bring to their notice the advantage of using the Stores department. They are gradually getting to realise it.

226. *Sir Zulfiqar Ali Khan* : Would you tell the Conference whether there has been any rapid progress of industries in India ?—The evidence is in this book. I think that speaking generally there has been a considerable development. The big industries of course were developed before the Reforms, I mean the big things like jute and cotton and even iron and steel. They were well developed before, but in small things, for instance in cottage industries and so on I think this book gives evidence that there has been considerable development under the stimulus of provincial departments.

227 In what direction ?—Mostly in cottage industries. I think the most successful is weaving, the handloom weaving.

228. Is it due to Mr. Gandhi's movement ?—That helped.

229. Can you tell me whether most of the raw material produced in India goes to foreign countries instead of being absorbed here in the industries ?—That is a question I should not like to answer without notice. There is a very large export of raw materials from India which are the basis of manufactures elsewhere, undoubtedly. But a large proportion of raw materials is used in India. The jute mills use a considerable proportion of the jute that is grown in India, and the cotton mills use a very large proportion of the cotton grown in India, and such sugar factories as there are use the sugar cane grown in India. But there is an export of raw materials, for instance oil seeds and so on are worked up abroad, in France, Belgium and many other countries, and many other classes of raw materials are also exported. Part of the jute and a portion of the cotton are exported. This is a commercial question on which I could not give a complete answer without notice.

230. Can you tell me whether there are any means by which Government could develop the industries in India, by which they could encourage the development of industries in India ?—The Central Government, you mean ?

231. Yes.—One way I can imagine is the development and co-ordination of research. I think a good deal can be done that way. We do, through the Geological Survey for instance, help a great deal in bringing new areas, new minerals and so on to notice, but on the whole I think that from the point of view of research we have not succeeded yet in doing very much. That I think is probably the most hopeful line. The provinces have adopted other methods, such as State Aid to Industries Acts, and so on, and many of them have spent money on these lines with the result which you can read here (in the publication entitled " The State and Industry," 1928).* I do not think they have always been very successful so far.

232. Do you know if educated Indians get employment in these industrial centres ?—I think that is a point which I could not answer easily without examination, but I have reason to believe that they can get employment if they are qualified. For instance in the iron and steel industry I think Tatas have an extensive system of training, and they have no difficulty in absorbing every man so trained.

233. So if there is any further development of industry it may help the solution of unemployment of educated Indians ?—It would help, certainly.

234. *Sir Hari Singh Gour* : Just one question I forgot to ask, I think, Mr. McWatters, that it is in Mr. Atkinson's report on railways that a suggestion is made for the creation of a Ministry for Communications ?—It has been proposed on three occasions at least.

235. *The Chairman* : " Ministry of Communica-" tions " may possibly be understood to mean a ministry with a political chief who is responsible to a majority of the legislature. Is that what is meant, or simply the establishment of a department of unification ?—Do you mean the latter word should have been used ?

236. The word used in the question is " Ministry." —(To Sir Hari Singh Gour). Do you mean under a minister ?—Whose report was it ?

237. *Sir Hari Singh Gour* : Atkinson's report.—I am not at all sure. I do not think he was thinking of the constitutional question.

The Chairman : I do not think he was. What was probably meant by the question was whether he proposed that there should be a department of Communications.

Sir Hari Singh Gour : We will call it a ministry in that sense, not being responsible to the legislature, but, say a Member for Communications.

238. *The Chairman* : I am not suggesting one or the other, but I think it is more in the nature of a department of administration.—It is so.

239. *Sir Hari Singh Gour* : You said that on three occasions a Ministry for Communications was recommended. What action has the Government taken upon these recommendations ?—None.

240. And why not ?—That is not for me to say.

241. *Lord Burnham* : Following up your answer to

* Vol. V, pp. 1363-1611.

Sir Hari Singh Gour, I should like very much to ask you something about your proposals in regard to a new department covering Communications, especially in the light of the report of the Roads Committee, which I have only read in the press, presented some two months ago.—Not two months ; it is less.

242. The question I would like to ask you is, in "Communications" you do not include Railways which belong to the Commerce department ?—I should certainly include them.

243. Then it would be a full department of all forms of communications ?—Yes, including Posts and Telegraphs.

244. Your opinion is that this is not a political matter but a matter of administration ; could that be done within the present limit of members of the Viceroy's council ?—I think so. I think it is purely a question of redistribution. The Commerce department which now is in charge of Railways would lose Railways and take Industry and some of the other subjects which are very closely connected with Commerce, Geological Survey and certain other things. They would goin to the Commerce department.

245. Without going into details, I believe there is at present an advisory committee consisting I think mainly of members of the Assembly on railway matters ?—Yes.

246. *Sir Hari Singh Gour* : Members of the Railway Advisory Council are members of both Houses. —In fact all these committees are.

247. *Lord Burnham* : I imagined you to say both Houses of the legislature. I notice the Roads Committee advise, so I understand, the formation of another committee, another advisory committee to deal with roads ?—Yes.

248. This Roads Committee which has just reported rejected the idea of a Roads Board for all India ?—Yes.

249. In place of that they would have an annual conference I think of all road authorities ?—Yes.

250. May I ask what the functions of the advisory committee would be in regard to the department that you wish to set up ?—This report of course has not been considered by Government yet. I understand the advisory committee of the Assembly which is proposed would advise on the general principles on which this extra taxation which after all is going to be levied would be utilised. The Assembly, I think, alone is mentioned because they are the body who are the custodians of the funds. They would lay down the general principles under which the Government of India and the department of Communications would administer the proceeds of the extra taxation.

251. You do not contemplate their interfering in the details of administration ?—No.

252. Is there any danger of that knowing what politicians are all the world over ?—I do not like to say, because this report has not been considered even.

253. May I ask this ? Do you think it would be better to have an advisory committee of experts who are divorced from political life ?—The committee of the legislature as I understand it is to deal with the apportionment of money, the principles of the apportionment of money which they vote. That is the reason I imagine why a committee of the legislature is suggested because if they are going to vote the money they ought to have some say in its distribution.

254. May I suggest that it seems now-a-days the general tendency in these matters which are primarily matters of national business is to have as little political influence as possible in the administration ? —Yes, in the administration. I quite agree. This is as regards the general principle, which I presume the committee recommend should be debated at that stage. There is one member of the Roads Committee here, in this room, and he can probably explain what they had in their mind, but I understood that to be the idea, that the actual details of administration they would not interfere with.

255. From the point of view of administration you would be unwilling to see any interference in matters of detail ?—I have not formed any view upon it yet. The report has not been before the Government yet. It was only published a few days ago. We have now referred it to local Governments and asked them for their opinion as to the general principle that this extra taxation ought to be divided among the different provinces in the proportions they suggest. On that point we have already consulted local Governments, and when their reports are received the Governor-General in Council will pass orders on the whole of this report. So, at the moment I have only formed just a personal view from reading it. It may have to be modified later when one sees what the local Governments have to say.

256. *Mr. Hartshorn* : I would like to know whether the Government takes any action at all in the matter of wages in connection with the industrial workers ?—There is no minimum wage in India at all at the moment. As a matter of fact as a result of discussions in Geneva, we have definitely proposed to consider the question of minimum wages.

257. Has the matter been much discussed in the Assembly ?—Not much so far.

258. Is there any substantial demand on the part of organised labour that legislation of that character should be undertaken ?—I do not think there has been really any serious ventilation of the subject until quite recently, but we have undertaken to examine it and see whether some system of minimum wages may be possible.

259. *Sir Arthur Froom* : I think it may be interesting to the Conference to know—it is stated in the report and I am not giving away any confidential discussions of the Roads Committee—that the Roads Committee arrived at the conclusion that all provinces would resent very greatly the administration of roads being taken away from them ?—Yes.

260. That was the conclusion arrived at. The provinces recognise that there is great room for improvement and development of roads in the interests of the agriculturists. At the same time the provinces were very reluctant to give up their powers of administration of roads ?—Yes.

261. *The Chairman* : I might perhaps just ask one or two questions for my own information. The latest Factory Act, I understand, deals with all factories employing not less than 20 persons and using mechanical power ?—That is the definition.

262. I see at the bottom of page 1491* ("The State "and Industry," 1928) that by 1927 the number of such factories was 7,515 ?—Yes.

263. There was provision in the Act that local Governments were to be empowered to bring within the scope of the Act by notification factories employing not less than 10 persons, whether they employed mechanical power or not ?—Yes.

264. Do you know whether that power of the local Governments has been used at all ?—I am not sure. I will look it up. I could find it out quite easily.†

265. In the provinces is the factory administration a transferred department ?—No, it is reserved.

266. You do not know whether there has been any indication in the provinces that they wish the Factory Act should be applied to the smaller workshops ?— No, I have not got the information but I can obtain it in the course of the day.†

267. Yes. There is another thing I would like to know. Would your annual report show how many factory inspectors there are ?—Yes, I have got the figures here. 41 inspectors I think.

268. 41 factory inspectors ?—Yes.

269. 41 inspectors for 7,515 factories spread over British India ?—Of course the majority of the factories are in big centres like Calcutta, Bombay and Cawnpore.

270. Is the number of factory inspectors and what I may call the intensity of the inspection a matter which is within the control of the provincial Government ?—Yes.

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* Vol. V. †*Vide* Appendix A, page 183.

271. Not a matter with you at the centre ?—This is a matter under our general powers of superintendence. The actual inspections done are recorded, the number of factories inspected, the number of factories not inspected at all, etc. These details are given in this report which I will give the Commission.

272. Do you happen to know how many operatives there are in these factories, the total number ?—The figures will be given in that report again. I think it is about a million and a half.

273. I notice on page 1491* ("The State and In- "dustry") that one local Government for a time deliberately adopted a plan of avoiding prosecutions in order to give owners time to make up deficiencies revealed by inspections ?—Yes, that is recorded.

274. Which local Government is that ?—I am not sure.† Would you like the information ?

275. If you could find it out. Again on page 1491 the local Government in question says that " the absence " of friction is one of the most important objects to " be attained in the administration of the Act, and " the Governor in Council hopes that it will be pos- " sible to continue the present policy," and then I see that the author of this admirable book, " The State " and Industry " says that " these hopes were not " fulfilled and there was a prompt return in this case " to more orthodox methods of administration. On " the other hand in the more important industrial " provinces the administration of the Act has re- " ceived a large amount of attention and although " the staff has not everywhere been adequate, the " standards of administration generally have been " more than maintained. The staff employed " wholly or mainly on the inspection of factories has " been practically doubled in strength between 1921 " and 1928." Can you give me the figure just now ? Is the figure the one you have already mentioned ?—That was the figure which I obtained less than a year ago for Mr. Hartshorn.

276. In 1927-28 ?—Yes.

277. There are just two or three things which you have been good enough to promise us. I think you said you would be able to let us have copies of the Report on Provincial Administration of the Central Factory Law. The second is the communications that have passed between the Secretary of State and the Government on the modification of the Irrigation scheme. Then you have promised to supply us, in relation to a question put by Lord Strathcona, comparative figures, if possible, of the mining population in British India as compared with that in the States ? —Yes.

278. I might perhaps just enquire this point. You made a reference in answer to a question just now to the suggestion that has been made in some quarters that you might recruit for some of the All-India services on short term contracts. I might perhaps remind the Conference that in the report of the Lee Commission there is a very interesting paragraph on short term contracts. I will just try to summarise. It is stated there, " It has been suggested by some " university authorities, and also by some witnesses " who gave evidence in India, that European recruits " for all the All-India services should in future " be engaged on short-term renewable contracts. " * * * If individuals were needed to carry " through a specific project of engineering, or to " engage on a particular and limited field of scientific " research, or to occupy for a term of years a parti- " cular professorial chair, the system of short-term " contract might be adopted." This is what the Lee Commission suggested and even then they say that there are drawbacks and they speak of these drawbacks as fatal to the suggestion as applied to the Services as a whole. " These drawbacks are as " follows : a new European recruit in any Indian " service does not become efficient until he has accus- " tomed himself to the special conditions of India, " learned the ways of its people, and mastered in " some degree the local language. It may be said in " fact that his efficiency increases in proportion to his " length of service. From the point of view of the " Governments concerned, therefore, a recruit en- " gaged on a short-term contract is a highly un- " economical proposition, for, while Government has " paid for his period of apprenticeship, it may lose " him just at the moment when he has acquired some " measure of real efficiency. The proposition is " similarly disadvantageous to the recruit. After " spending some years in acquiring the special " qualifications for efficient service in India he may " find it impossible to renew his contract, with the " result that he is cast upon the world with quali- " fications which, however valuable in India, may be " of little or no value elsewhere. It must not be " supposed, for instance, that an expert in Indian " forestry who has lost his post in India would be " regarded as an expert in the forest work of any " other Continent. The uncertainty of continuous " employment would therefore militate against the " chance of obtaining first-rate recruits." Then you see the conclusion they reach is that the officers should be recruited on the basis of a permanent career ?—Yes, I was aware of that.

279. I do not know whether it is desirable to ask you ; but does your experience in the department confirm that view ?—I am doubtful myself. Our consulting engineer, who was one of the people who advocated the system of short term contract, is still I believe unconvinced by the Lee Commission's arguments. As a matter of fact we have had great difficulty, as I told Colonel Lane-Fox, in getting first-class men from England as Irrigation engineers—and it is no good getting any man except the first class—and he still thinks that it is just possible that men of that kind might be willing to come for a short period. He also holds that Irrigation engineering is of such a catholic nature in connection with building bridges, roads and so on that a man can almost be certain of getting employment elsewhere at the end of the period of contract. That is his personal view.

280. *Colonel Lane-Fox* : Has the experiment ever been tried of inviting people on short term contracts ? —No, except for special posts of a particular kind.

281. *The Chairman* : There is one question which Colonel Lane-Fox put ; I think the question put was supposing that Irrigation became a transferred subject, what difference would that make in the relations of the Central Government and the department and Mr. McWatters has developed that in his answer. I think it is useful also to look into the red book, page 199. There is in the Statute, in the Government of India Act, a general provision which gives the Governor-General in Council the power of superintendence, direction, and control over local Governments ?—Yes.

282. And then the Statute has to be read together with the Devolution Rules and Rule 49 of the Devolution Rules provides : " The powers of super- " intendence, direction, and control over the local " Government of a Governor's province vested in the " Governor-General in Council under the Act shall " in relation to transferred subjects be exercised only " for the following purposes ", and the purposes are extremely limited, so that unless the Devolution Rules were altered, the result would appear to be this, would it not, that if a subject that is now a reserved subject in the province is transferred, then under the present rules the powers of superintendence, direction and control over the local Government vested in the Governor-General become extremely difficult ? Is that not so ?—Yes, that is so. I think that if it is necessary to retain a portion of European recruits, it might not be easy to transfer the subject exactly in the way in which subjects are now spoken of as transferred.

283. I am not expressing any opinion, but I want to see how the present position is. It appears to me that at present there is superintendence, direction and

* Vol. V.

† The witness subsequently wrote in to say that the local Government referred to is the Punjab Government, *vide* Appendix A, page 183.

control exercised in greater or less degree by the Government of India secretariat over the provincial administration as far as the reserved subjects are concerned ?—Yes.

284. *Mr. Hartshorn* : The department for which you are responsible deals with mines and everything connected with mines. Does the department prepare any statistics dealing with the output, the number of persons employed, the cost of production, the price realised for the coal and the profit or loss in the individual mines or for the industry as a whole ?—I do not think we have information quite as complete as that ; but we have some statistics, commercial statistics, that might throw light on some of those points.

285. We get a document published by the Government at Home quarterly and also the annual reports by the Secretary for Mines. I want to know whether there is anything here corresponding to that ?—Nothing as complete as that. We certainly have figures for the general out-turn for mines or possibly for groups of mines. But the out-turn for a man and profit and loss, etc., I do not think we have. But I can let you know what we have.

286. I should be very pleased if you could let us know what kind of statistics you have ?—I will supply the information.*

287. *Colonel Lane-Fox* : Have you got any returns regarding wages paid and so on ?—No recent figures ; but special enquiries have been made in certain industries. For instance, in Bombay a very complete statistical enquiry was made with regard to the wages for every class of worker in the Bombay cotton mills. There have been one or two enquiries of that kind and there are some general statistics of wages. But apart from that, I do not think we have any return which would give the actual wages of any particular class of worker in a particular factory.

288. The rate of wages is really an arrangement entered into in each case ?—Yes.

The Chairman : We are very much obliged to you for a great deal of useful information. Thank you very much.

APPENDIX A.

Copy of letter from Mr. A. C. McWATTERS, C.I.E., I.C.S., No. G. 51, dated New Delhi, the 5th December, 1928.

(*Vide* pp. 176-7 and 181-2)

When I appeared before the Statutory Commission at New Delhi on the 27th November, I undertook to supply the Commission with information on certain points.

2. As regards mines, it will be seen from page 40 of the annual report of the Chief Inspector for the year 1927, a copy of which is enclosed, that in all 1,104 mines were inspected during the year and many of them several times, the total number of inspections being 2,403. A good idea as to the distribution of mines between different provinces in British India will be obtained from Appendix I to the same report, Tables 2 and 4. The total number of mines in British India during the year 1927 which came under the scope of the Indian Mines Act was 1,992 (page 112 of the report), and the total daily average number of persons working in such mines in that year was 269,290 (page 1 of the report). As regards mines in the Indian States, the daily average number of workers during 1927 is estimated by the Director, Geological Survey of India, as 64,616. I regret that we have no reliable information as regards the corresponding number of mines or as regards their numerical distribution between the various Indian States, but the production Tables in Dr. Fermor's article on " The Mineral Production of India during 1927 " in the Records of the Geological Survey of India, Vol LXI, Part 3, a copy of which is enclosed, give an accurate idea of the relative production of mines in Indian States as compared to mines in British India.

3. The total output of coal mines in British India during 1927 was 21,108,976 tons (page 44 of the Chief Inspector's report) and the average output per labourer during the same year was 185 tons of coal in underground and in open workings, the corresponding figure for all persons working above and below ground in coal mines being 128 tons (page 4). As regards the cost of raising coal in India, I am afraid that we have not attempted the working out of average figures. I enclose, however, a copy of the report of the Indian Coal Committee of 1925. Paragraph 29 of this report contains a discussion on the comparative prices of Indian and other coals and in paragraph 38 of the same report the Committee estimates the cost of raising coal as being approximately Rs. 5 in the Jharia field and Rs. 6 in the Raniganj field. In Dr. Fermor's article, quoted above, page 212, the pit's mouth value per ton of coal for the whole of India in 1927 is stated to be Rs. 4 as. 4 p. 9 on the average. This of course is not the same as the average cost of raising coal.

4. As regards the administration of the Factories Act, the statistics of factories subject to the Indian Factories Act for the year 1927 is being printed and I shall send copies as soon as we get them from the press. Meanwhile, I enclose herewith a copy of the statistics for 1926 to which is attached a note on the working of the Factories Act during the year. The extent to which local Governments have made use of section 2 (3) (*b*) of the Act in order to extend its scope to factories employing less than 20 but more than 10 persons is dealt with in the concluding portion of para. 2 of the Note. The statistics for 1927 show that the number of factories so notified rose from 122 in 1926 to 160.

5. Three copies are enclosed of the correspondence with the Secretary of State on the question of the degree of control to be exercised by him and the Government of India over irrigation works.

6. I have ascertained that the local Government referred to in page 1491* of Clow's book on " The State " and Industry " is the Punjab Government.

APPENDIX B.

Copy of letter from Mr. A. C. McWATTERS, C.I.E., I.C.S., dated New Delhi, the 18th December, 1928.

(*Vide* p. 175.)

With reference to the evidence which I gave before the Indian Statutory Commission regarding the difficulty which we have experienced this year in recruitment for the Indian Service of Engineers, I should like to amplify the statement which I made. Originally nine recruits were required from England and the Selection Committee were, in the first instance, able to select only four candidates. Out of this number two fell out (one failed to obtain a qualifying degree and the other withdrew his application), leaving seven vacancies unfilled. In the meantime, our demand was reduced by one, thus leaving six vacancies to be filled. The Selection Committee in their second attempt (in which I may note that they were permitted to recommend candidates who had not undergone a full year's practical experience at the time of selection) selected six candidates and placed the names of three others on the reserve list, but out of this total number (nine), five fell out, three having withdrawn their applications and two having been rejected by the Medical Board. That is, on the second occasion, for the six vacancies, four candidates were available, bringing the total number of selected candidates to six against eight vacancies.

* *Vide* Appendix A, above.

* Vol. V.

MEMORANDUM

By Sir FREDERICK GAUNTLETT, K.B.E., C.I.E., I.C.S., Auditor General in India, on

(b) The classification of subjects as central and provincial ; and

(c) The financial relationships between the Central and Provincial Governments, including the Meston Settlement.

When these questions arose in connection with the Montagu-Chelmsford Reforms they were dealt with in two stages :—

(1) The Feetham Committee made recommendations as to the apportionment of subjects between the Central and Provincial Governments, and

(2) The Meston Committee made recommendations as to the initial amounts which each province should contribute to the Central Government and as to the manner in which those contributions should gradually and progressively be reduced.

2. The recommendations of the Meston Committee were founded :—

(1) on the principle that the whole of the expenditure upon, and the whole of the revenue accruing in respect of, a $\frac{\text{central}}{\text{provincial}}$ subject, should be borne by, or handed over to, the $\frac{\text{central}}{\text{provincial}}$ Government, and

(2) on estimates of the expenditure which should be incurred upon, and of the revenue which would accrue in respect of, each subject.

3. While the principle referred to in paragraph 2 (1) above had long been recognised as correct in theory it had never before been followed completely in practice in framing provincial settlements. The necessary equilibrium between revenue and expenditure had previously been obtained by dividing between the Central and Provincial Governments the revenue and expenditure under a few heads. Even under the Meston Settlement it has since been found necessary to resort to a division between the Central and Provincial Governments of the revenue accruing from income-tax.

4. It is submitted that the procedure followed in connection with the Montagu-Chelmsford Reforms was inherently sound. The detailed, though extremely important, work which was done by the Meston Committee had to be taken in hand after the apportionment of subjects had been decided.

5. It is submitted at the same time that there may be practical advantages in not promulgating the decision as to the apportionment of subjects until the financial results of such apportionment have been estimated. In other words, it is submitted that the whole of this subject should be considered simultaneously by one executive Finance Sub-Committee working on behalf, and under the direction, of the Statutory Commission.

6. This Finance Sub-Committee would first place before the Statutory Commission its recommendations as to the apportionment of subjects between the Central and Provincial Governments. Having obtained from the Commission tentative orders on these recommendations it would then proceed to frame, on the basis of those tentative orders, a revised Meston Settlement. Its recommendations in this matter would then be submitted to the Commission. It might be found that the formulation of the revised Settlement might be simplified if minor modifications could be made in the apportionment of subjects which had tentatively been accepted by the Commission.

7. It is not desired in this note to discuss at length what changes should be made in Schedule I attached to the Devolution Rules. Proposals are to be found in the reports of the Muddiman Committee and of the Taxation Enquiry Committee and will no doubt be found in the report of the Royal Commission on Agriculture when that is published. It will be necessary, however, before the Finance Sub-Committee can consider what detailed proposals it shall make, that the Commission should enunciate the principles to be followed in framing the proposals. It is submitted that the main principle should be to retain as central subjects only those which it is necessary so to retain in the interests of India as a whole. If it is desirable to state the principle in more detail it will be sufficient to add to this general principle a Paraphrase of clauses (2) and (3) of Devolution Rule 49 which prescribe the occasions on which the Governor-General in Council shall exercise powers of direction, superintendence and control over transferred subjects.

The principle might then be expressed thus :—

Only those subjects should be retained as central subjects which it is necessary so to retain in the interests of India as a whole. Thus those subjects should be so retained the administration of which by provincial Governments would be likely to lead to serious differences between provinces or to hinder seriously the due exercise and performance of any powers and duties which will be possessed by, or imposed upon the Secretary of State in Council or the Governor-General in Council under the Act as it will be after amendment in the light of the recommendations of the Commission.

8. Two good examples of subjects which, in accordance with this principle, will have to be retained as Central are Major Ports and Customs.

Karachi and Chittagong are, and Vizagapatam will be, major ports. These ports respectively are situated in the provinces of Bombay, Bengal and Madras and yet they serve, or will serve, mainly the provinces of the Punjab, Assam and the Central Provinces.

Customs dues must be levied almost entirely at ports and yet they are levied on goods destined for every part of India.

9. One change of classification in particular which should be made deserves mention. The author of this memorandum suggested to the Muddiman Committee, and the suggestion was unanimously accepted, that it was desirable to give provinces as much financial independence of the Government of India as possible. They should, therefore, be given control over their balances and, as an essential preliminary to such independence, should be given control over their own accounts.

10. The revision of the Meston Settlement will be a difficult and complicated problem. The Meston Settlement is merely the last of a series of similar settlements which have been entered into between the Central and Provincial Governments during the last 50 years and it is safe to say that no settlement has ever satisfied the provinces as a whole. Difficult though the task may be, any revision of Schedule I of the Devolution Rules must necessarily entail a revision of the settlement and it is inconceivable that the work of the Statutory Commission will involve no change in that Schedule.

11. I think the first step in the formulation of the new settlement will be the determination of the scales of expenditure under each head by the Central and Provincial Governments. This is probably the most difficult portion of the problem, and the following suggestions are therefore put forward with some diffidence :—

(*a*) The objects of expenditure should be divided into the following classes :—

(1) Those necessary for the maintenace of law and order ;

(2) Those necessary for the collection of revenue ;

(3) Those necessary for the general administration of the country ;

(4) Those in which the scale of expenditure must be determined largely by the natural features of the province ;

(5) Those to which the convenient appellation of "nation building" objects of expenditure has already been applied in common parlance.

(*b*) The existing scale of expenditure on those objects falling within categories (1), (2) and (3) should generally be accepted subject to scrutiny as to the degree of economy or extravagance which seems to obtain in individual provinces.

(*c*) The scale of expenditure on objects falling within category (4) should be determined with reference to the existing scale of expenditure and also to the possibility of, and the need for, future developments.

(*d*) The revenues available after meeting the expenditure on objects falling within categories (1) to (4) should be made available for expenditure on objects falling within category No. (5) by distribution between provinces based approximately on population.

12. This very brief summary of the suggestions obviously requires considerable amplification and elucidation.

The principle underlying (*a*) is that provision must be made for the essential features of Government which are set out in categories (1), (2) and (3). The forms of administration, and especially of collections of revenue, vary so markedly from province to province that it is impossible to distribute expenditure for these purposes over India merely on the basis of population. It is not practical politics, nor is it desirable, to make at a moment's notice marked changes in the existing methods of administration in various provinces. The best illustration of this point is afforded by the collection of land revenue. The cost of collection must necessarily be much less in a permanently settled area such as Bengal than in a province where there are temporary settlements with Zamindars such as the Punjab, and the greater part of the United Provinces. The expenses in collection in the latter again must be much less than in provinces where settlement is directly with the cultivator such as in large portions of the Bombay and Madras Presidencies.

At the same time there is reason to believe that the same degree of economy did not obtain in the various provinces when rates of pay were raised all over the country after the recent war. Those provinces in which the greatest degree of economy has been shown are entitled to reap the benefits of such economy by having more money available for expenditure under the fifth category.

If it were deemed desirable to recognise the need for such an important reform as the separation of the judicial from the executive, an estimate of the cost of such a reform in each province could be made and provision made for the same in the settlement.

13. The main classes of expenditure which fall under the suggested category No (4) are Irrigation and Forests. Here again it is quite impossible to distribute revenues between various provinces for expenditure under these heads on the basis of population. The expenditure on Forests must be determined by reference firstly to the extent of the forests now available for exploitation and secondly to the possibility of creating additional forests with benefit to the country as a whole. In the same way, the expenditure on Irrigation in each province must be determined firstly by the need of maintaining the existing canals in an efficient manner, and secondly by the possibility of constructing new canals which will add to the revenues of the province or avert possible large expenditure on famine.

14. It is suggested that the method of determination of the scale of expenditure on objects falling within the category No. (5) should be markedly different from the methods indicated above for the determination of the scale of expenditure on objects falling within the other categories. The various provinces have generally a claim to similarity of treatment in this matter and this can best be obtained by recognising generally that the apportionment of the available funds between the various provinces for such expenditure should be on the population basis.

This, however, can only be a general principle. In practice there must be exceptions. There are backward tracts of greater or less extent in most provinces and, however desirable it may be to spend money on nation building objects in these tracts, it will not be practicable for some time to come to spend money on these objects as freely in these tracts as in the more settled portions of each province. Provision therefore should be made for expenditure in those tracts which at the outset shall be smaller than in the more settled parts of a province but increasing gradually over a series of years up to the level of expenditure possible in the remaining areas in the provinces.

15. Any solution of the problem along these lines will involve a great deal of preliminary investigation and study and if this method of tackling the problem is accepted at least experimentally, the initial enquiries should be started as soon as possible.

16. When the scale of expenditure of the Central and of each Provincial Government has thus been determined and an estimate made of the total revenue which will be required to meet such expenditure by the Government of India and by each Provincial Government, the next problem will be the apportionment of the revenues between the various Governments so as to meet the expenditure of each Government as estimated in the manner indicated above. The Commission will doubtless desire to retain the present principle that the revenues accruing in respect of $\frac{\text{Central}}{\text{Provincial}}$ subjects shall accrue to $\frac{\text{Central}}{\text{Provincial}}$ revenues. It is impossible, however, to hope that the revenues thus accruing to each Government in India shall be equivalent to the expenditure to be incurred by each Government. The problem as to the manner in which the surplus revenues are to be utilised, or the deficits in revenues met has arisen in the case of every settlement between the Central and Provincial Governments. Prior to the Meston settlement the method adopted was to divide a few of the revenue and expenditure heads between the Central and Provincial Governments in proportions which might vary from province to province. The method adopted in the Meston settlement was to require Provincial Governments to make annual assignments to the Central Government, and to make provision for the gradual reduction of those assignments. It has, however, been found necessary to re-introduce the old system of divided heads. although one head alone, Income Tax, has been so treated.

It is suggested that one of these two methods will have to be adopted in the new settlement and that it is rather a question of convenience than of principle which of the two methods is to be adopted. Provincial Governments have urged justifiably that their existing sources of taxation give much less hope of a rapid increase of revenue than those sources of taxation which have been reserved for the use of the Central Government. The apportionment of sources of taxation between the Central and Provincial Governments will obviously be a matter for consideration by the Commission and the preliminary consideration of its question might profitably be handed over by the Commission to the Finance Sub-Committee suggested above, if such a Sub-Committee be constituted. Unless, under the new apportionment of sources of taxation, the provinces can be given sources of revenue which are likely to yield revenue which will increase rapidly, it may be desirable so as to give the provinces that increase of revenue which they need by having one or more divided heads, the number of course of such heads being kept to a minimum.

Even with this device it may still be necessary to provide for assignments either from or to the Central Government though the object of the Sub-Committee should be if possible to avoid the use of both these means of bridging the gap between revenue and expenditure in any province.

17. The Sub-Committee which has been suggested would be in a position to assist the Commission in the consideration of numerous other matters such as :

3 (*e*) Finance of local bodies ;
4 (*h*) Classification into reserved and transferred subjects ;
4 (*j*) Provincial autonomy in relation to finance ;
4 (*k*) Control of Provincial finances ;
4 (*l*) Financial relations between reserved and transferred sides of the Provincial Government including the question of the joint or separate purse.

18. In conclusion, it may be desirable to elaborate the argument as to the need of urgency in this matter. It is understood that the ordinary term of the existing Provincial Councils will expire about November, 1929, and that the term of any Council can be extended for a period not exceeding one year. If this be so, the existing Councils must come to an end on or before November, 1930, and it will be desirable that the election of the new Councils should be undertaken under the rules which will have to be framed to give effect to the decisions of Parliament on the recommendations of the Statutory Commission. Thus, the changes in respect of franchise and the legislatures should be ready before the close of 1930. It is of course desirable that changes in financial rules should be made at such a date as will enable effect to be given to them at the beginning of a financial year. Thus, it is neither necessary nor desirable that the new franchise and financial rules should come into effect from the same date. It is, however, very desirable that they should come into effect on dates which are as close as possible to each other so that if the franchise rules are to be ready for application in the latter half of 1930 the financial rules should be ready for application on or about the 1st of April, 1931. It will be impossible to make the detailed enquiries which are suggested in this memorandum if their start is postponed until after the new Act has been passed by the Houses of Parliament. It is submitted, therefore, again that the Finance Sub-Committee which is suggested in this memorandum should be appointed if at all so that it can be working at the same time as, and in consultation with, the Statutory Commission and not after the Commission has ceased to function.

(*Sd.*) M. F. GAUNTLETT.
Auditor General in India.

No. 419–Admn./333-27,
Imperial Secretariat, New Delhi,
13th of March, 1928.

The Indian Statutory Commission,
Camp, India.

MEMORANDUM FOR THE STATUTORY COMMISSION.

Section I.—The Functions, Powers and Status of the Auditor General in India, and his relations with the executive authorities.

The proposals made in this section are based on the assumptions that, whatever constitutional changes take place, the Auditor General will remain entirely responsible for the audit of the accounts of Government expenditure in India, and that he will conduct his audit on behalf of two different authorities, the Secretary of State in Council and the various Indian Legislatures.

2. *Access to the Secretary of State.*

At present, the Auditor General's sole avenue of access to the Secretary of State is through the annual letter with which he forwards to the India Office the Appropriation Accounts of the central Government and the various provincial Governments with the reports of his audit officers thereon. It is submitted that something more in the way of direct access is urgently required. It will be remembered that there are a number of powers, in various connections, which the Secretary of State has retained in his own hands, and that it is one of the primary duties of the Auditor General to watch for encroachment upon these powers by authorities in India and to require a report to the Secretary of State whenever he finds such encroachment. If the Auditor General feels any doubt as to the interpretation of an order of the Secretary of State, he has no direct means of ascertaining the wishes of that authority except by raising the question in his annual letter to the Secretary of State and this may involve considerable delay which in a particular case may be very undesirable. Experience has shewn that the Government of India are not prepared to make, at his request, a reference to the India Office on a general question of interpretation. His only recourse in such a case is to refuse to pass expenditure if he has any doubt as to the validity of the sanctioning order, in the hope of forcing a reference to the Secretary of State ; but, under the statutory rules as they stand, this result will not necessarily ensue, since the executive Government can compel the withdrawal of the objection by engaging to report the matter to the Public Accounts Committee.

3. Again, while the Auditor General remains entirely responsible, both to the Legislatures and to the Secretary of State, for the efficiency of audit in India and for the preparation of the Finance and Revenue Accounts and very largely for the maintenance of the accounts of Government transactions, his powers of sanctioning expenditure are limited and are derived by delegation from the Governor General in Council. The work of the audit establishment is continually expanding, and it is obvious that, unless the Auditor General is provided with funds to expand his staff as required, it is impossible for him to guarantee an effective audit. There has already been one occasion on which, being refused funds at a time of financial stringency, the Auditor General had to give official warning to the Government of India that he was not in a position to fulfil his statutory responsibility. So far as his responsibility to the Legislature is concerned, he is in a position to make the situation quite plain through the medium of the Public Accounts Committees ; but it seems essential to empower him to represent matters at once to the Secretary of State, without waiting for his annual report, when he finds himself unable to fulfil his statutory responsibility to that authority.

4. It is, therefore, urged that it is constitutionally most desirable to prescribe that the Government of India should forward without undue delay to the Secretary of State in Council any memorandum addressed by the Auditor General to the latter authority. They should, of course, in doing so, be entitled to add their own comments on the subject discussed in the memorandum.

If it is thought that this power of the Auditor General should be limited in any way it might be prescribed that such a memorandum must relate to

(*a*) an interpretation by the Secretary of State of an order passed by the Secretary of State, or
(*b*) a breach by an authority in India of an order passed by the Secretary of State, or
(*c*) a refusal by the Government of India to sanction establishment deemed necessary by the Auditor General for the safeguarding of his responsibility for the efficiency of audit in India.

5. *Audit of the Accounts of expenditure in England.*

Under section 27 of the Government of India Act, as it stands at present, an auditor is appointed in England to examine and audit the accounts of the receipt, expenditure and disposal in the United Kingdom of all money, stores and property applicable for the purposes of the Act. Clause (2) of that section is so worded as to entrust to the Home Auditor the

scrutiny not only of the accounts maintained by the Secretary of State in Council but also of those of the High Commissioner for India. This situation gives rise to certain anomalies, which call for detailed examination.

6. The first provision for the appointment of the Home Auditor appeared in the Government of India Act of 1858. Its main object was to provide an independent authority which would scrutinise on behalf of Parliament the exercise by the Secretary of State in Council of the powers entrusted to him by the Act. At that time the Secretary of State in Council was, under sections 2 and 21 of the Act, the supreme authority in respect of expenditure from the revenues of India. He delegated certain powers to authorities in India, and watched their exercise of those powers through the agency of the Comptroller and Auditor General in India, who was appointed by the Secretary of State but worked in direct subordination to the Government of India. Thus the Secretary of State, as the ultimate spending authority, watched, with the aid of the Comptroller and Auditor General in India, the expenditure of the authorities to whom he had delegated power; while he answered for his own outlay to Parliament, which derived its information from the Home Auditor appointed for the purpose.

7. With the reformed constitution, the position as regards expenditure has undergone considerable change. In the first place, the ultimate power of sanctioning expenditure has, in respect of provincial transferred subjects, passed from the Secretary of State in Council to executive authorities in India. Secondly, specific appropriation of funds is now necessary before expenditure can be incurred, and in many cases such appropriation must necessarily take the shape of a vote by a legislative body in India. Not only is a considerable portion of the outlay of the Secretary of State himself financed from funds so voted, but the position is further complicated by the institution of the High Commissioner for India who spends, as the agent of the central and provincial Governments, monies partly voted by their respective legislatures and partly, in respect of non-voted items, allotted by the executive Governments. Finally, statutory provision has been made for the appointment of an Auditor General in India, who is largely independent of the Government of India and is responsible, *inter alia*, for the audit of the expenditure in India from the revenues of India. The results of this audit are reported both to the legislatures in India and to the Secretary of State in Council.

8. The existing position involves more than one anomaly. As has been already stated, section 27 of the Government of India Act is so worded that, on the creation of the High Commissioner, his accounts became automatically subject to the audit of the Home Auditor and, under clause (7) of the same section, the latter is required to lay his reports upon those accounts before both Houses of Parliament. It is inconsistent with the constitutional position of the High Commissioner as an authority subordinate to the Government of India that his accounts should be submitted separately direct to Parliament, rather than as a part of the accounts of the Government of India as a whole. On the other hand, there is no provision in the Act for the submission to the legislatures in India of the report upon the accounts of the High Commissioner; although the expenditure which they represent has been sanctioned either by the executive authorities in India or by the High Commissioner himself in virtue of powers delegated by those authorities, while a large part of the funds to cover the expenditure has been voted by the legislatures. It appears essential that the Act should be so amended as to require the submission to the legislatures in India of the reports of the High Commissioner's accounts; and a similar procedure seems desirable in the case of the Secretary of State's accounts also, seeing that these also deal with a considerable amount of expenditure of funds voted by the Indian Legislatures.

9. Again, the High Commissioner for India acts under the direct instructions of the Government of India. His financial transactions are governed entirely by those instructions and by such compilations as the Civil Service Regulations and the Fundamental Rules. The great majority of such rules and orders has to be followed by subordinate authorities in India as well as by the High Commissioner. The transactions of the latter authorities come under the audit of the Auditor General in India, and it is essential that the officers responsible for the audit in the two countries should interpret the rules and orders in the same way. There is specific provision both in the Civil Service Regulations and the Fundamental Rules that the final authority for the interpretation of these rules vests in the Government of India; and that authority is in actual practice exercised in direct consultation with the Auditor General, who circulates the interpretations so given as "Audit Instructions." It seems, therefore, to be most desirable that the official in the United Kingdom who is entrusted with the audit of the accounts of the High Commissioner should act in direct subordination to the Auditor General in India. This result could be achieved either by posting in the United Kingdom a member of the Auditor General's ordinary establishment, or by arranging that the Home Auditor should, in respect of the High Commissioner's accounts, act as a representative of the Auditor General in India, responsible to the latter official.

10. Again, under sub-section (1) of section 27 of the Government of India Act, the Home Auditor's assistants are specified in the Warrant of his Appointment. As a result, the power of appointing these assistants, both gazetted and non-gazetted, vests in practice in the Secretary of State; while the statutory character of their appointment renders their pay non-voted. On the other hand, the majority of the staff working under the Auditor General in India is sanctioned by the Government of India, and the greater portion of the funds from which expenditure on that staff is financed is provided by the vote of the legislature. There appears to be no obvious reason why the procedure in the two cases should not be brought into line, the staff employed on the audit of the High Commissioner's transactions being sanctioned by the Government of India and paid out of funds which, to the extent necessary under the sections of the Act other than 27, are voted by the Legislative Assembly.

11. The recommendations made in this section of this memorandum as regards the audit of the accounts of expenditure in the United Kingdom may be summarised as follows:—

(1) Provision should be made in the Act for the submission to the appropriate legislative bodies in India of the reports on the accounts of the High Commissioner and the Secretary of State in Council.

(2) It is unnecessary that the report on the High Commissioner's accounts should be submitted direct to Parliament.

(3) The High Commissioner's accounts should be audited by an authority responsible to the Auditor General in India.

(4) The subordinate staff employed upon the audit of those accounts should be appointed by the Government of India and its pay, to the extent necessary under Sections of the Act other than 27, should be voted by the Legislative Assembly.

12. *Responsibility for the Compilation of Accounts.* The question whether the Auditor General should retain his existing responsibility for the compilation of accounts is discussed in paragraphs 17 and 18 of section II of this memorandum.

13. *Minor Amendments of the Statutory Rules made under section* 96B (1) *of the Government of India Act.* The relations between the Auditor General and the executive authorities in India are required, under section 96D (1) of the Government of India Act, to be regulated by rules of the Secretary of State in

Council providing " for his pay, power, duties and " conditions of employment." If any of the proposals made in the foregoing paragraph of this memorandum is adopted, the correct method of giving effect to it will be by amendment of the " Auditor General's Rules " made under the section quoted. There are, however, certain other directions in which the need for minor amendments of those rules has already become apparent, and the remaining paragraphs of this Section will deal with points in question.

14. (*a*) *Rules* 3 *to* 7. These rules contain provision for what may be called the personal conditions of the Auditor General's employment, and it will be noticed that they are far from complete. They make no mention of the arrangements to be made for the Auditor General when travelling on duty; for the terms on which he may be supplied with a residence by Government or for the passages to England to which he may be entitled. They make no provision for his compulsory retirement, which is left to be governed by the apparently ambiguous statement in Section 96D (1) that he shall hold office during his Majesty's pleasure. It is suggested that the rules should be made, in this respect, entirely self-contained.

(*b*) *Rule* 12. Under this rule the Auditor General does not become responsible for the audit of revenue and receipts or of stores and stock unless, in any particular case, the Governor General in Council has specifically required him to assume this responsibility. In other cases, such audit, so far as it is performed at all, remains a function of the executive Government concerned; and its cost, in the case of the provinces, is a charge upon provincial revenues. It is suggested that the time has now come to recognise that the audit of receipts and of stock accounts is at least of equal importance to that of accounts of expenditure, and that it should, like the latter, become a central function. It would not be possible for the Auditor General to assume immediate responsibility for a universal audit of this kind. This would entail a considerable expansion of the establishments under his control, and much time must be consumed in training the necessary personnel. It should be sufficient to frame a rule which will recognise his ultimate responsibility for such audit and provide for its transfer to him as he is in a position to undertake it. It might be possible to cover the interval by expressing the audit as a function of the central Government, and empowering the latter to employ, for the present, the agency of provincial Governments in fulfilling it. The allocation of the cost of such audit as is now performed would, however, probably present grave difficulties and for this reason this alternative is not recommended.

(*c*) *Rule* 17. Under this rule, the Auditor General has " power to require that any books, papers or " writings relating to the accounts audited by the " Audit Department shall be sent for inspection by " him or by any other officer of the Indian Audit " Department." Questions have arisen as to the interpretation of this rule, centring round the meaning of the expression " books, papers or writings." It has been questioned whether it entitles the Auditor General to see the Secretariat files of Government, and, in particular, files containing discussions of the disciplinary action to be taken against Government servants who have been held responsible for financial irregularities detected in the scrutiny of the accounts. It is most desirable that the rule should be so amended as to leave no doubt as to the nature of the documents for which the Auditor General is entitled to call. It is unnecessary to emphasise the fact that, where the Auditor General is empowered to criticise executive action, it is in the interests of all concerned that the criticism should be based upon the most accurate information available.

Section II.—The Compilation of the Accounts and the Classification of the Expenditure recorded in their present position.

15. The general rules governing the compilation of the accounts are laid down in rules 18 to 24 of the statutory rules made under section 96D (1) of the Government of India Act. All these rules are designed to lead up to the preparation of the Finance and Revenue Accounts of India, which the Secretary of State in Council is required, by section 26 of the Act to lay annually before both Houses of Parliament. The form of those accounts is prescribed by the Secretary of State in Council, and the duty of compiling them is laid upon the Auditor General. To enable him to fulfil this duty, the latter is armed with power to decide the form in which the preliminary accounts will be maintained in the offices of accounts and audit under his control.

16. Rule 25 of the same rules is a comparatively new addition. It was designed to meet the circumstances created by the recent institution of a number of experiments, under which the responsibility for the maintenance of accounts has been transferred from the Auditor General to the Finance Department either of the Government of India or of a Local Government. In such cases, the Auditor General is still required to transmit the complete Finance and Revenue Accounts. So far, however, as the transferred accounts are concerned, his responsibility is limited to the prescription of the form in which those accounts shall be compiled, and their incorporation, after compilation in the Finance and Revenue Accounts.

17. *Responsibility for Compilation.* It is suggested that the time has come when the transfer to the Finance Department of the responsibility for the compilation of the accounts should be made a permanent feature of the constitution. So far as the accounts of Local Governments are concerned, this measure is clearly indicated. It is assumed that the constitutional development of relations between the central and provincial Governments in India must inevitably proceed more or less on federal lines; and that the provinces will in the ordinary course assume the responsibility for the custody and control of their own financial resources. An essential preliminary step, which cannot be taken too soon, is the assumption of responsibility for their own accounts. On the other hand, so long as the Secretary of State and the Government of India retain any sort of ultimate control over the financial operations of local Governments, the retention of a strong central audit may be held to be a necessity.

18. The need to transfer to the executive authorities the compilation of the accounts of the central Government is rather less obvious. The main argument in favour of the transfer, from the standpoint of principle, is that it is just as necessary to subject to independent scrutiny the system of accounting adopted and the accuracy with which the system is applied in practice as it is to subject to independent scrutiny the exercise by Government servants of the financial powers entrusted to them. There are also practical arguments in the favour of such transfer. The experiments undertaken have shewn that such transfer has resulted in great improvement of the control over expenditure; while there is evidence that audit officers, when relieved of the task of compiling accounts and the other distractions attendant thereupon, have been able to apply a more effective audit scrutiny to the transactions recorded in the accounts. It is considered, therefore, that in relation to the central Government also audit should in future be limited to its true function, which may be described as criticism of the completed work of others.

19. *The form of the Finance and Revenue Accounts.* If the compilation of the accounts is in future to be transferred to the executive authorities, it is necessary to consider whether section 26 of the Government of India Act should remain in its present form. That section contemplates a single set of Finance and Revenue Accounts, prepared on uniform lines for the whole of India ; and even so the accounts of the financial year 1926–27 covered more than 600 foolscap pages of print. When the maintenance of provincial accounts becomes a provincial responsibility, there may be a tendency for individual provinces to vary account forms to suit their own tastes and requirements. It is for consideration whether such individual variations should be permitted to affect the final form of the Finance and Revenue Accounts, with the inevitable result that true consolidation will become impracticable and that the separate exhibition of the accounts of different provinces will enormously increase the bulk of the documents to be presented to Parliament. It is submitted that it is unnecessary to allow a full discretion of this kind. If executive authorities are permitted to vary the form of their preliminary accounts, the concession should be subject to two conditions, firstly, that the accounts must be presented for audit in such form as the Auditor General is prepared to accept as suitable, and secondly, that, when the final compilation is delivered to the authority which will consolidate the accounts for the whole of India, it must be delivered in such shape as the Secretary of State in Council may prescribe. It may ultimately be found impossible, as provincial autonomy progresses to maintain a rigid rule of this kind ; but it is not in itself unreasonable and would not be inconsistent with a complete federal constitution.

20. *Classification of Expenditure within the Accounts.* An important provision regarding the classification of expenditure appears in rule 20 of the statutory rules under section 96D (1) of the Act, which prescribes that, if a doubt or a dispute arises as to the major head under which a particular minor head, or as to the minor head under which a particular detailed head, of account should be included, it shall be decided by the Auditor General. This is clearly a proper function of audit, which is required to certify to the accuracy of compiled accounts. The assignment of expenditure to a particular head of account is not, however, the only point as to which a doubt may arise. Under the present constitution of India, expenditure must be divided into other and parallel classes. It must, in the first instance, be either central or provincial expenditure ; secondly, whether central or provincial, it ensures classification as voted or non-voted ; thirdly, provincial expenditure falls again into two classes, according as it is incurred upon reserved or upon transferred subjects. In the case of a doubt whether expenditure is central or provincial, the decision rests with the Governor General in Council under rule 4 of the Devolution Rules made under section 45A of the Government of India Act. Sections 67A (4) and 72D (3) of the Act itself lay upon the Governor General and the Governor, respectively, the duty of deciding a dispute as to votability. Finally, Devolution Rule 7 makes the Governor the final authority in the case of doubt whether an object of expenditure appertains to a reserved or to a transferred subject.

21. The classification of expenditure as voted or non-voted, reserved or transferred, is exhibited in the Finance and Revenue Accounts, and, if such exhibition is to continue, it seems most desirable that the classification should be uniformly regulated throughout India. At present, there is no such uniformity. In respect of votability, practice varies considerably in the provinces, largely as a result of certain ambiguities in the wording of the relevant section of the Act. In the matter of reserved and transferred subjects, discrepancies are less numerous ; but they do exist. A typical example is the different treatment accorded in different provinces to expenditure by the Public Works Department, a department administering a transferred subject, upon buildings intended for use in connection with a reserved subject. It is submitted that, if this classification of expenditure is to continue, it is most desirable that it should be regulated on uniform lines by a single authority. A possible arbiter would be the Courts of Law, but it is probably unnecessary to subject decisions of this kind to an elaborate judicial procedure. It would meet all the requirements of the case if the Secretary of State in Council retained in his own hands the power which has hitherto been entrusted to the various Governments.

Section III.—Certain important questions of general interest which, while not primarily the concern of the Auditor General, have come prominently to notice in the course of audit operations.

22. *Preliminary remarks.* This section of the memorandum will contain comparatively brief comments on certain important questions of general interest which have come prominently to notice in the course of audit. These questions are mainly concerned with the interpretation of the Government of India Act and the statutory rules made under it. It will be for the Home and Finance Departments of the Government of India, rather than the Auditor General, to bring these questions to the notice of the Statutory Commission ; and for this reason it is proposed to do no more in this memorandum than intimate very briefly the nature of the problems involved. The reference is confined to questions of major importance. There are numerous minor points in which the statutory rules, in particular, could with advantage be amended ; but it is considered unnecessary to bring them specifically to the notice of the Commission.

23. *Questions affecting the budget and budget procedure.* These questions centre largely round the interpretation of sections 67A and 72D of the Act ; The following are of considerable importance, and, assuming that the existing structure of the Act is maintained generally intact, it seems eminently desirable that it should be so amended as to leave no doubt of the intention in each case.

(*a*) That is the meaning of the phrase " appropriation of revenues or moneys relating to heads of " expenditure " in sections 67A (4) and 72D (3) ? Does the clause " relating to," etc. limit " appropriation " or " revenues or money " ? As the revenues received by Government ordinarily bear no relation to any specific head of expenditure, the latter interpretation seems impossible. On the other hand, if it is intended to limit " appropriation," the word " relating " is redundant and misleading.

(*b*) In the same clause, what is the meaning of " expenditure " ? Does it include sums technically treated as " expenditure " under the so-called Debt and Remittance heads, which involve no real disbursement by Government at all ? It is suggested that it is wrong in principle to submit to the vote transactions which affect only the Debt and Remittance section of the accounts.

Again, should the clause so operate as to render it necessary to submit to the vote the appropriation from revenue to a depreciation or reserve fund as well as the subsequent allocation of moneys from such fund for actual outlay.

(*c*) With reference to the same clauses, in what shape should a demand for a grant be presented when a part of the gross expenditure is to be recovered from another Government or from another department of the same Government ? Should it shew the gross account, or the *net* figure as reduced by the recoveries ?

(*d*) What is the meaning of " the amount of which " is prescribed by or under any law " in section 67A (3) (ii) and section 72D (3) (iii) ? As at present interpreted in India, though full effect has not been

given to that interpretation, it excludes from the vote practically all outlay on officers and establishments. It is suggested that only those payments should be protected from the vote which,

(i) have to be made by or under statue, and

(ii) the circumstances being what they are, the amounts to be paid are incapable of variation by any officer of Government.

(*e*) Is it permissible, in a Governor's province, for the executive Government to submit to the vote, if it so desire, expenditure which is covered by section 72D (3) ? Is there any significance, in this connection, in the fact that the clause in question is worded differently from the corresponding clause (3) of section 67A ?

(*f*) Do the existing Act and statutory rules permit the establishment of a Civil Contingencies Fund and the submission of token demands for votes in cases, such as that of expenditure on a new service, where a supplementary demand is necessary although funds are available by re-appropriation ? The Government of India have held that neither expedient is permissible, though certain local Governments have adopted either or both of them.

(*g*) Should not the phrase " new service not con- " templated in the budget " be defined .in the Act ?

(*h*) What is the correct interpretation of provisos (*a*) and (*b*) to section 72 (2). Different Governors have adopted different interpretations.

(i) Rule 26 (1) of the Legislative Council Rules states that demands for grants for reserved and transferred subjects should ordinarily be presented separately. Should not separate presentation be made an absolute rule, and similar treatment prescribed for expenditure from revenue and expenditure from borrowed funds ?

(*j*) Rule 44 of the Legislative Council Rules lays down that there should ordinarily be one grant " for " each department of Government." In one province, " department of Government " has been interpreted as meaning " all activities of Government " included in a single portfolio " with the result that four demands only are presented yearly to the Legislative Council. If, as appears to be certain this interpretation is incorrect, should not the rule be reworded to make its meaning clear ?

(*k*) Should not clear provision be made, either in the Act itself or in the Devolution Rules, defining the circumstances in which it is legitimate to expend central moneys on provincial subjects and provincial moneys on central subjects ? Cases constantly arise in which such expenditure is both convenient and in its nature unobjectionable.

24. *Questions affecting statutory rules.* (1) Section 96D (2) of the Act contemplates that the Finance Department of the Government of India should be a distinct entity, with definite functions conferred upon it ; and to this extent it appears to be inconsistent with section 40 (1), which would seem to place all departments of the central Government upon an equal footing as part of an indivisible authority with full power to act on behalf of that authority. In actual practice, the Finance Department exercises functions very similar to those entrusted to provincial finance departments by the Devolution Rules, and it is clearly desirable that it should do so. Should not its status be fortified by provision either in the Act or in the statutory rules ?

(*m*) In paragraph 14 of this memorandum, it has been suggested that the rules made under Section 96D (1) of the Act, regulating the conditions of service of the Auditor General, should be made completely self-contained. This course has already been adopted in the case of the Judges of the High Courts and the members of the Public Service Commission. Should there not be a similar set of self-contained rules for Members of Executive Councils, whose conditions of service are regulated partly by the provisions of the Act itself, and partly, on points whereon the Act is silent, by the rules of general applicability made under section 96B (2) ? The desired rules could be made under either section 94 of the Act, or, if it is held that all Members of Executive Councils are members of " the civil service in " India," under section 96B (2) itself.

MEMORANDUM BY MR. W. R. BARKER, C.B., CHAIRMAN OF THE PUBLIC SERVICE COMMISSION.

1. I am the Chairman of the Public Service Commission and have held the post since its establishment in October, 1926. I came to India in the preceding May, having had no previous experience of India. I served in the English Board of Education from 1903 to 1925 and was for a great part of that time its legal adviser. I write this Memorandum in my personal capacity and do not claim to speak on behalf of the Commission. This Memorandum has not been discussed by the Commission. I believe one at least of my colleagues proposes to furnish a Memorandum. I am however permitted to say that my colleague Sir T. Vijayaraghava Acharya who does not propose to submit a Memorandum is in general agreement with paragraph 25 (Ministers Conference), paragraphs 26 to 50 (the Indian Civil Service), paragraphs 53 to 71 (methods of recruitment), paragraphs 81 to 105 (local public service commissions) of this Memorandum.

2. The Commission consists of five members of whom two at least must under the rules be persons who have been for at least ten years in the service of the Crown in India. It consisted originally of three Europeans and two Indians. For a short period it consisted of two Europeans and two Indians: and leave and other factors from time to time cause changes in its composition. One member is a member of the Indian Civil Service, another of the Provincial Civil Service, one is a former member of the Council of State, one is an *ex*-Vice-Chancellor of an Indian University. Two are professional lawyers. The Chairman has few special powers. He has a second or casting vote which it has been hardly ever necessary to exercise. He also has the power to decide whether the dissent of the members who are in a minority shall be communicated to Government and a certain right (which has never been exercised) to call for the reconsideration of business transacted in his absence. The members approach questions from many different angles and from very varied experience and there is a very healthy diversity of view. No decision of the Commission has ever been influenced by racial or communal considerations.

3. The Secretary of State in his despatch of 9th April, 1925, expressly contemplated that the Statutory Royal Commission would propose an extension of powers of the Public Service Commission which experience and the conditions of the time might show to be desirable. He did this in a paragraph in which he expressed a doubt whether a Commission constituted on the limited advisory basis proposed by the Government of India and ultimately adopted would command the confidence alike of the public and of the services to the degree which was necessary if the latter was to function efficiently. I think the doubt has been justified; and I desire to state the case for an extension of powers.

4. The origin of the Public Service Commission is to be found in paragraph 55 of the First Despatch on Indian Constitutional Reforms of 5th March, 1919 :—" In most of the dominions where responsible " Government has been established the need has been " felt of protecting the public service from political " influences by the establishment of some permanent " office peculiarly charged with the regulation of " service matters. We are not prepared at present "to develop the case fully for the establishment in " India of a public service commission but we feel " that the prospect that the services may come more " and more under ministerial control affords strong " grounds for instituting such a body."

5. In 1919, Parliament enacted (Government of India Act, 1919, Part I of Schedule II) that there shall be established in India a public service commission which shall discharge in regard to recruitment and control of the public services in India such functions as may be assigned thereto by rules made by the Secretary of State in Council.

6. It is plain that the establishment of a Public Service Commission was regarded as an essential safeguard in the working of the reforms and its enactment was contemporaneous with and formed part of the scheme of those reforms. The reference to the dominions in the despatch quoted above shows that in proposing a public service commission the framers of the despatch were contemplating a commission vested with ample and decisive powers possessed by similar commissions in the dominions. The reference to ministerial control shows that it was intended that the powers of the Commission should extend into the provinces, since it was only in the provinces that ministers existed.

7. Though it was in 1919 that Parliament enacted that a Public Service Commission should be established, it was not till October, 1926, that it came into operation. The Commission was intended to be a check on certain undesirable features which might be expected to accompany the reforms. The check was not applied for seven years and then in a form less effective than Parliament had contemplated.

8. The establishment of the Commission was eventually expedited by the Report of the Royal Commission on the Superior Civil Services in India, dated 27th March, 1924, and the Commission was in fact established less than 3½ years after that Report was issued. The report deals with the Public Service Commission in paragraphs 24 to 31. While that Commission assigned to the Public Service Commission functions less extensive than those contemplated in the Government of India Act inasmuch as it gave the Public Service Commission very little control of the Public Services, it assigned to it functions far more extensive than those which were ultimately assigned to it in 1926. The original conception of a Public Service Commission was progressively whittled away till little of the original idea survived.

9. I consider the powers of the Commission to be defective and for the purpose of elaborating this criticism two separate questions arise :—

(*a*) How far are its powers effective within the ambit in which it exercises those powers? The ambit is substantially the All-India Services and the Central Services, Class I.

(*b*) Is that ambit sufficiently wide? I deal with that question in the section of this Memorandum which relates to Local Public Service Commissions.

10. I will first define my conception of the work which a Public Service Commission should do within its ambit, a conception which is based on the work which Public Service Commissions do in the dominions. I will then deal with the work it actually does within its ambit.

11. The business of a Government is to govern. Its servants are not strictly part of the business of Government: they are merely the instruments by which government is carried out. A well organised Government like a well organised business delegates to an agent or subordinate body the task of selecting efficient instruments to do its work and of regulating the concerns of its domestic establishment in order to set itself free for the far more important problems of administration and business on which it is engaged. If it fails to obtain good instruments by this method, it alters the machinery by which the instruments are obtained. It does not take the machinery into its own hands. This however is not the only reason why well organised Governments establish public service commissions. Governments are concerned with politics and policies and it inevitably happens that as soon as Governments take a direct part in recruiting their services, the recruitment comes to be governed not by a consideration of the method in which the best recruits may be obtained but of the method which best conforms to the political requirements of the hour. The introduction of politics into recruitment for the public services is as fatal to good recruitment as the introduction of

uncontrolled nepotism into a business concern is fatal to the successful conduct of a business.

12. I do not go so far as to say that Government should necessarily divest itself of all power in the matter. Political questions should seldom arise in connection with service matters but they do arise in India at any rate. For instance, on political grounds the Government of India sometimes have occasion to direct that members of a certain community should be preferred to members of another community or to direct that the recruits should be members of a certain nationality. On such matters, if need be, they should issue definite orders to their recruiting agent: With the day-to-day business of recruitment they should have nothing to do.

13. Financial considerations also arise and of course on all the major issues of finance the Government must have a decisive voice: and must be free to accept or reject the recommendations of the Commission, but on such matters the financial authorities should be predisposed to accept the views of the Commission and not reject them without full consideration. The Commission are seized of one side of the question, namely, whether a certain expenditure is necessary in the interest of the efficient recruitment or content of the public services, while the Financial authorities are seized of the state of the National Finances. A wise financier does not readily reject an expenditure which he is assured on responsible authority is necessary any more than a business manager refuses to purchase a machine if he is assured that it is necessary for the successful working of his plant.

14. Within these limitations Government throughout the Empire have set up Public Service Commissions which exercise almost independent powers and the reasons for their independence are twofold. First a public service commission is an extremely expensive body (the budget of the Indian Public Service Commission is Rs. 4,06,000 a year). If a householder engages a cook at a high salary to cook his meals, it is a mistake equally detrimental to his purse and his digestion to cook them himself or to interfere in the culinary operations of his servants. He lays down his gastronomic policy and leaves it at that. Secondly, a Public Service Commission acquires a fund of knowledge and experience of service matters which neither the Government nor any one else possesses. The Commission may be wrong in its decisions but there is no one else of whom it may be said that they are more likely to be right. In other words in their own field their authority is as absolute as that of the Education Department, or the Finance Department or any other Department of the Government of India, not because they are any more incapable of making mistakes than these departments but because the last word must rest with some one and that some one should be the body which by experience and knowledge is better qualified than any other body to express an opinion.

15. What then should be the powers which a Public Service Commission should possess ?

A.—RECRUITMENT.

Within this sphere :—

(*a*) The Commission should be the absolute authority for determining the method of recruitment, whether by competitive examination or selection or partly by competitive examination and partly by selection.

This power the Public Service Commission in India do not possess. I maintain that they should possess it because they are the only body in India who have a real opportunity of watching the working of the two systems.

(*b*) Where recruitment is by competitive examination the Commission should be in a position to decide what preliminary qualifications (e.g. a degree) or the attainment of a specified age, a candidate should possess in order to be admitted to the examination.

This power the Commission do not possess : and I maintain that they should possess it.

The difficulties on this point have not been serious. In one case, however, a Government Department refused without assigning reasons to accept a clause as to qualifications which in my opinion was clearly necessary and which every other Department had accepted without question. In another case the Commission are compelled to examine a number of candidates who, owing to the low educational qualification which has been accepted contrary to the Commission's advice, have not the remotest chance of success.

(*c*) They ought to be able in cases of competitive examination to determine in what subjects a candidate shall be examined.

The Commission do not possess this power and should possess it, if for no other reason because they are alone in possession of the materials on which a judgment can be formed.

In a recent case which is not finally decided the Government of India objected to a syllabus which the Commission had unanimously adopted after long consideration. The Commission [illegible] views after consulting every one in India whose opinion is worthy of consideration, after considering the experience they had derived from interviewing hundreds of candidates and after considering carefully the results for the past six years of the examination the syllabus of which they propose to modify. It is not known on what basis the Government of India formed their views. They are certainly not in possession of the materials which were before the Commission.

(*d*) The Commission should have control of the organisation of examinations.

This they do not possess. The multiplication of examinations in India is a curse: and the unfortunate Indian graduate who aspires to enter the public service is apt to spend a very valuable year of his life in wandering from examination to examination and cramming the various syllabus of each.

The case for some amalgamation of examinations is overwhelming. That project is being hindered and may be prevented in two cases at present because, as I understand, the Departments concerned are not in agreement on the subject.

(*e*) Where recruitment is made by selection, the Commission should determine the qualifications of candidates and have an absolutely free hand in selecting them.

The Commission are liable to be overridden in their determination of qualifications and to be subject to pressure in the task of selection.

I have two cases of this latter class in mind. In one the Government have ordered the Commission, as they are entitled to do, to appoint a candidate of a particular community. They have nominated a candidate of that community. As the community consists of several million people the Commission have suggested that the appointment should be advertised. To this the Government object asserting that this man whose education is of a low standard is the best possible candidate and that no other candidate from these millions could possibly have a chance against him.

In the other a Government has expressed a strong preference for A against B whereas the Commission are inclined to prefer B to A.

In each of these cases the Commission have in fact the last word : but they only give effect to their view at the cost of great friction which must necessarily have its reaction on the general work of the Commission. The opportunities for friction should be removed.

(*f*) *Recruitment by promotion.*—In some Commissions no promotion can be made without the concurrence of the Commission. I do not think the Commission should exercise this power. I think the powers of the Commission should be based on knowledge and they do not know so well as the departmental authorities as between several candidates who is fit for promotion.

On the other hand I think abuses attend unsupervised promotion. I have seen cases in which there was much reason to think that the claims of an officer to promotion had been overlooked because he was not in close touch with the officer who dealt with promotions.

In a certain class of case promotion from an inferior service to a superior is almost avowedly given to old and (I am afraid) rather ineffective men in preference to their abler juniors not because the juniors are not fit for promotion but because the promotion of juniors damages the prospects of officers who are already in the superior service.

Promotion is often given also not because the officer is fit for promotion but as a compliment shortly before his retirement. I have been dealing recently with the proposed promotion of an officer of 59 years of age, with regard to whom it is obvious that his powers have been failing rapidly for the last three years.

Practices of this kind are detrimental to the Public Service. The Commission find it very difficult to stop them under the existing rule because they can only object to a promotion if they can certify that the character and ability of the officer it is proposed to promote are not sufficient. This is a very strong step to take. They have no power to consider any candidates for promotion except those nominated; and if only one is nominated they can only nominate him.

It is very difficult to suggest a remedy. I am inclined to think the best remedy would be to establish promotion committees on which a member of the Public Service Commission should be entitled to sit.

I am also disposed to think it would be useful to make a rule that an officer should not be promoted from an inferior to a superior service within five years of the retirement age (55) without the approval of the Public Service Commission.

B.—DISCIPLINARY POWERS.

16. It is a matter for argument how far it is in the interests of the public service to set up a formal Court of Appeal against a departmental decision to punish an officer for incompetence or misconduct. No such formal system exists in England and there is a grave risk that the system may result in the retention in the public service of persons who do not render any valuable service owing to incompetence or inefficiency. That question, however, does not need discussion in India because the tradition of an appeal is so deeply rooted in the service traditions of India that it would be impossible to upset it.

If there is to be such a Court, I think the Court should be, as in fact it is, the Public Service Commission. The Commission have no reason to complain of any intrusion on their functions in this respect inasmuch as a convention has been established that their recommendations in disciplinary cases should be accepted.

I believe that the disciplinary powers of the Public Service Commission are regarded with some suspicion as facilitating the retention in the service of the guilty or incompetent. I think the Commission should be careful not to encourage that suspicion. In my view where a department propose to inflict punishment on an officer the function of the Commission is to ascertain first that the officer has had an adequate opportunity of defending himself, secondly, that the decision of the Department is uncoloured by bias, thirdly, that the finding of the Department is a finding at which a reasonable man can arrive, and fourthly, that the punishment is proportionate to the offence and not disproportionate to punishments inflicted on other officers for similar offences.

I should be unwilling to overrule a finding of a Department merely on the ground that on the materials before me I should not come to that finding myself. Again I base my opinion on the view that if the Commission is to exercise special power it should possess special knowledge. I do not think a Commission which has not heard the evidence and has nothing but papers before it is in so strong a position to form a correct view as the Departmental officer who has. In the same way a Court of Appeal hesitates to overrule a jury on a finding of fact. I think some further definition of the exact scope of the Commission's jurisdiction might be desirable.

The main difficulty of the Public Service Commission in disciplinary cases is due to the fact that the officers who are charged with the duty of making the primary inquiry into disciplinary matters are often inexperienced in the conduct of inquiries. In many cases the officer holding the inquiry has also been so closely connected with the events leading up to the inquiry that the accused has no confidence in his impartiality. I can mention several cases illustrating these difficulties. The Public Service commission consequently fail to obtain the proper materials for arriving at a decision. I think the remedy for this state of affairs is that in certain circumstances the Public Service Commission should have power to depute a member to hold an inquiry himself whether that inquiry be the primary inquiry or a subsequent inquiry.

In particular it seems desirable to make it clear that the duties of the Commission in disciplinary cases are very different from those of a Court of Law. The Commission have many cases before them in which irregularities of procedure more or less serious have been committed by the officers who have exercised disciplinary powers. Those irregularities might be of such a character that a Court of Law might come to the conclusion that they afforded the basis of an action for wrongful dismissal. In my view the Commission should not be concerned with that question. Their duty is to ascertain whether in their opinion the disciplinary action it is proposed to take is justified and whether apart from technicalities of procedure the offender's case has received fair consideration. If they are of opinion that the disciplinary action is justified, it is their duty to report to the Government of India to that effect and to report at the same time the irregularities which have occurred. It is for the Government to take action on that report, and, if necessary, to take legal advice as to the effect of the irregularities; and in doing so no Government should be governed solely by legal considerations. I have seen not one but many cases in which my advice as a legal adviser would be that dismissal might involve an employer in an action for wrongful dismissal or libel, and my advice as an administrator would be that it was the imperative duty of the employer in the public interest to carry the dismissal into effect, whatever the ultimate legal consequences might be.

17. *Consideration of Grievances.*—The Lee Commission expressed the hope that the Public Service Commission would become in course of time the recognised authority in India on all service questions. They have little chance of achieving this position unless they become acquainted with service grievances. It is essential for them to know where the shoe pinches. The recognised procedure for calling attention to grievances in India is by presentation of a memorial. At present such memorials may or may not be referred to the Commission, and I have no information as to the extent to which they are so referred.

I think two reforms are needed. First, the presentation of memorials is governed by an elaborate set of rules, failure to comply with which involves the rejection of the memorial. I think members of the Services should have free and less formal access to the Commission for the purpose of advocating service reforms or the removal of grievances. Secondly, I think all memorials should be referred to the Commission for consideration and advice.

I am aware that this would impose a considerable burden of work on the Commission and the consideration of many cases which had no substantial foundation. Many representations could be dismissed at sight with only a formal acknowledgment.

I believe, however, that this is the only method by which the Public Service Commission can obtain a complete insight into service problems and the only method which will satisfy members of the Public Services that their complaints will receive full consideration.

18. *Conditions of Service.*—The Governor-General in Council may refer to the Public Service Commission any question connected with the pay, allowances, pensions, provident or family pension funds, leave rules or conditions of service generally. Under this provision the Public Service Commission have no power of initiative. It is impossible for any one who has studied even superficially the morass of regulations in which the public servant in India is bogged to doubt that there is a supreme need in India for some unifying body fully acquainted with all service problems to introduce order and coherence into the system. It is hardly too much to say that at present no civil servant understands or knows the rules which govern either himself or other officers. The interpretation of service rules which should be few and simple has to be relegated to a body of accounting experts at great public expense. The authority who engages an officer and whose duty it is to explain to him the terms of his appointment is seldom or never in a position to do so, because the terms are embodied in rules which no one but an expert can understand. A striking instance of this came to my notice this winter. A very distinguished expert Committee was sent out from England to India under terms which were no doubt intended to provide properly for their financial interests. When they arrived in India the authorities relying on a rule which was never intended to apply placed an interpretation on the financial arrangements which was entirely different from that which the members of the Committee had assumed. A controversy followed which could not be settled by the date when their labours terminated ; and a member of the Committee found himself compelled to borrow from a private friend the money necessary to enable him to return to England.

Service problems require whole-hearted and not half-hearted consideration. They should not be left to officers who are immersed in other duties and are unable to review any service problem as a whole. Still less should they be left to financial experts who derive credit from disallowing legitimate claims.

I consider that all questions relating to service matters should be referred to the Public Service Commission as a matter of course and that the Commission should have independent power to consider service problems and make recommendations.

I should frame their powers rather more widely than they are framed at present. In particular I should include among the matters on which they should be consulted the cadre of the Service. Elaborate rules exist in India for calculating the cadre of the Service and the method of recruitment. I think that it is common ground that some of these rules are out of date and result in erroneous calculations. A faulty basis of recruitment gives rise to serious evils since it occasions blocks in promotion or undue rapidity of promotion. It is very difficult for a busy officer deeply concerned with the affairs of the moment to realise that what he is doing in 1928 may be the source of very serious difficulty to his successor in 1948.

19. Before passing from this subject I would like to revert again to the multiplicity and intricacy of the rules which prevail in India and which I regard as most injurious to the public service. Complaints are often made of the lack of intelligence shown by the lower ranks of the service and by their slavish and pedantic adherence to rules. I think the fault lies with the rule-maker rather than with those who have to observe the rules. In England I have seen a highly intelligent body of civil servants possessed of sound judgment and a well-developed sense of responsibility reduced to a collection of helpless automata, by an officer, who thought a rule should be made on every conceivable subject. In India the mischief is far more widespread. Public servants are discouraged from looking at the substantial merits of a case and merely search for a rule which covers it. When they have found it they apply it quite regardless of the question whether it was ever meant to apply. If they cannot find it they are helpless. An offender who has done something which is manifestly improper will reply that there is no rule against it and his reply in a rule-ridden land will carry conviction. The mischief is due partly to that indisposition to delegate powers which constitutes one of the recognised and fatal diseases to which every civil service is liable, partly to a failure to understand what matters can properly be made the subject of rule and what should be the subject of discretion ; and partly to an inability to frame or draft rules. This inability is often very surprising. Some of the most important rules are admittedly quite wrong and could only have been drafted by some one who was unacquainted with the facts ; others are so ambiguous that they become the sport of every interpreter.

20. I have in the foregoing paragraphs shown that in some matters I think the Commission should have final authority and that in others (mainly matters of politics and finance) I think the Government of India should possess a determining voice. It is, of course, a matter of great difficulty to define in any written rules what matters belong to each class. I do not in fact think such a delimitation is really possible or necessary. Both the Public Service Commission and the Government of India possess members who are well acquainted with administrative matters. The Public Service Commission are quite capable of understanding that there are certain subjects on which the Government of India is entitled to a veto. If once it is understood that the Public Service Commission is an expert body and not a subordinate department of the Government of India, that Government is quite able to understand that on questions not vitally affecting any principle of policy or substantially affecting finance the opinion of the Public Service Commission should be accepted.

21. With this mutual understanding I do not see any reason why questions of difficulty should arise. I, of course, assume that in all cases the Public Service Commission, before arriving at a decision should freely consult the Government of India, and ascertain, and, as far as possible, defer to their views.

I think also occasions for friction would be removed if the Government of India, before rejecting the advice of the Public Service Commission, provided machinery whereby that Commission could orally explain their position. The practice of writing carefully guarded official letters, when an informal discussion would clear the situation, is prolific of misunderstanding.

I think, however, machinery should be provided to deal with a deadlock and on the analogy of procedure which is adopted in some of the dominions I would propose that if the Government of India is unable to accept the advice of the Public Service Commission on service questions it should be under an obligation to publish in the Gazette that advice together with their reasons for disallowing it.

22. I should not be advocating a change if the present system, though unsound in theory, was working satisfactorily in practice. It is with great reluctance that I refer to this aspect of the matter ; and I desire to make it clear that the difficulties and obstacles which the Commission incur in nearly every part of their work are not due to any Department and still less to any individual but to a failure to understand or give effect to the changes in administrative methods which were necessarily involved by the creation of a Commission recruited at great expense to be experts in questions relating to the public services. It is impossible to realise how far the conception of a Public Service Commission is being defeated without studying actual examples of the difficulties which occur. I have collected and

can produce a number of examples gathered from a very short experience illustrating the obstacles the Commission encounters. I do not think that any one can study them without realising that the present system requires radical alteration and is dilatory, extravagant and prejudicial to the proper administration of service questions.

23. Undoubtedly one of the main sources of difficulty is delay which while it paralyses and embarrasses the work of the Commission in every way is not the fault of the Government. It is well known that during large parts of the year the preoccupation of the Government with the affairs of the Legislative Assembly renders it impossible for them to pay attention to current business. The Public Service Commission has to work to time-tables, the disregard of which involves very serious consequences. In nearly every department of their recruitment this work is hampered by the impossibility of getting Government sanction sometimes at as early a date as is desirable, at other times till it is too late to make proper arrangements at all. The difficulties would not be so grievous if any important amendment arose out of these delays. What in fact generally happens is that after waiting for many months the proposals of the Commission are sanctioned subject to trivial amendments which are not of any consequence. On some amendments the Commission are often not consulted at all : and nothing is so dangerous as to alter a carefully worded draft without ascertaining the opinion of the draftsman. I cannot remember a single case in which this process of revision has not resulted in definite deterioration. In one case a clause was added which was clearly wrong and had to be altered in the succeeding year. In another fortunately the Commission were consulted as to a clause which it was intended to substitute for the clause proposed by the Commission and the Commission were able to point out in time that it contained seven errors. In a third case in which the delay has involved the postponement of an examination with the most serious results, the amendments made in the draft regulations for an examination in 1928 consisted first of a statement that the 1927 regulations no longer applied and secondly in the addition of a note as to the examination in 1929. Each amendment was in my view unnecessary and neither was of sufficient importance to justify the serious consequences which resulted from the delay. Cases of this kind could be multiplied almost indefinitely. One of the results of the revision (without consulting the Commission) of their carefully considered drafts is that they hesitate to propose the alteration of things which are clearly wrong from a fear that something more wrong will emerge.

24. With regard to their more constructive work it is impossible for the Commission to perform any useful function when months or even years may elapse before they can obtain any answer to a proposal they have made after considering a question in all its bearings. The Commission were appalled at the ignorance of elementary facts of geography and history displayed by candidates for a certain examination and they suggested nearly a year ago that there should be an elementary examination in those subjects. They can get no answer.

Fifteen months ago the Commission pointed out that the month selected for a certain examination meant that the candidates wasted ten months at a very critical period of their lives and they proposed a remedy. They can get no answer and the waste continues.

No doubt these important questions are being discussed by I know not whom. No doubt someone is criticising and someone objecting. The Commission have no opportunity of meeting the criticisms or objections or of elaborating the grounds which led them to make their proposals.

I should also point out that the effect of a delay is not confined to the case in which it occurs. The Commission correspond with many different Departments ; and the fact that it is impossible to obtain a decision on a particular proposal may mean that half a dozen other proposals cannot be considered.

25. There is one other matter to which I should allude. The Lee Commission desired that " the " Public Service Commission should become the " recognised expert authority on all service ques- " tions." The following will show how far an attempt is being made to give effect to that desire.

On 30th June, 1927, the Government of India issued a circular letter to all Local Governments stating that in connection with the constitution of new Provincial Services which were to take the place of All-India Services operating in the transferred field of administration several Local Governments were experiencing difficulty in the matter of fixing rates of pay, standards of qualifications, methods of recruitment and conditions of service, etc. They, therefore, proposed to hold a conference on the subject with the representatives of the provinces.

The Public Service Commission were not informed of this decision till the 9th of November. On that date the Government of India issued a further circular inviting three of the Departments of the Government of India to send representatives to the Conference. A copy of that circular was sent to the Public Service Commission for information. The Public Service Commission were not invited to send a representative.

A very few days before the Conference was to take place a telephone message was received from the Government of India saying that the Public Service Commission might possibly be interested in the question and would they like to attend. Eventually it was arranged that 3 representatives of the Commission would be available if the Government of India desired their presence.

The first meeting of the Conference took place on the 16th of November. The three representatives in question were not invited to attend that meeting which set up four committees to consider a very long agenda, the adequate consideration of which would have absorbed months. The committees met on the following day and reported on the evening of that day or on the morning of the next.

The second meeting of the Conference was held on the 18th of November, 1927, to consider the reports of the four committees. Three members of the Public Service Commission were invited to be present. As the two committees with which the Public Service Commission were chiefly concerned had already passed resolutions excluding the Public Service Commission from any interest in the affairs which they were discussing and as the representatives of the Public Service Commission had had no opportunity of ascertaining on what grounds they had arrived at this conclusion or of explaining to Ministers and others, most of whom were entirely unfamiliar with the work of the Public Service Commission what assistance that Commission might render in the provincial field, it was futile for the representatives of the Commission to make any observations at this final conference.

It is hardly necessary to observe that the subjects which the Conference had to consider were absolutely vital to the future organisation of the Indian Public Services and they were, of course, the questions which must be of supreme interest to any Public Service Commission. Substantially, the Public Service Commission were excluded from all part in the consideration of these important matters. I regard some of the decisions which were reached at the Conference as disastrous to the proper organisation of the services, but the Commission had no opportunity of representing their views.

Fortunately, it may be said that the Agenda of the Conference was issued at so late a date that the representatives of the various provinces had no adequate time to consider it. Consequently, the resolutions of the Conference were not binding upon the Governments affected.

THE INDIAN CIVIL SERVICE.

26. The Indian Civil Service consist of a body of men whose sanctioned strength is 1,239 and whose actual strength is about 1,119. Up to 1914 this body was recruited almost exclusively by a competitive examination in London open both to Indians and Englishmen so designed as to attract the best brains from the English Universities. Its supremacy in India both moral and intellectual was unquestioned and unquestionable. The body was incomparable, if for no other reason, because there was nothing with which to compare it. Its superiority was unquestioned because it had gained its position by a severe open competition and there was and is no other criterion by which superiority could be judged. By virtue of its position it obtained powers, privileges and emoluments which appertained to no other body in India. Like all other powerful bodies, it developed a strong corporate sense and corporate traditions. As a select body it jealously guarded admission to its ranks by methods other than those by which the main body was recruited. Amidst infinite individual diversities it developed a type which is as recognisable in India as certain well marked types are recognisable in England. Those who were most envious or critical of its special position were unable to deny the basis of superiority on which that position was founded.

27. Attempts which were made mainly in the interest of Indianisation to introduce some other mode of recruitment merely served to demonstrate the superiority of the Indian Civil Servant as recruited through the avenue of the London Examination. As long ago as 1861 legislation was passed (The Indian Civil Service Act, 1861) which made it possible to fill the offices held by Indian Civil Servants in other ways and though that legislation was strengthened by the Indian Civil Service Act, 1870, it was not till 1879 after the lapse of eighteen years that rules were made for the appointment of Indians nominated by Local Governments to not more than one-fifth of the posts to which Indian Civilians were recruited in any year. Subsequently regulations provided that the persons so appointed should be young men of good family and social position. The scheme proved a complete failure. The persons so appointed were called Statutory Civilians and sixty-nine in all were appointed. In spite of their good family and social position they did not possess the necessary educational qualifications. There may have been a few among them who proved a success: but I believe after reading the evidence on the subject that there is an almost complete unanimity of testimony that the majority were unserviceable. The last of them survived in service till 1913 and it was I think he who wrote their epitaph in that year in the following words, " somehow a curse rested upon the wretched " thing from the very beginning." I revive their memory in order to point a moral. The Government of India had the whole of India to choose from under conditions ideal for the selection of suitable candidates. They failed to find them; and I think the lesson to be learnt is not that suitable candidates did not exist but that an attempt to find suitable candidates by selection, more especially if the selection was based on good family and social position, was and always will be foredoomed to failure.

28. Little more success attended the attempt initiated in 1892 on the abandonment of the Statutory Civilian Scheme to substitute the scheme of Listed Posts whereby selected Indians in the Indian Provincial Services were appointed to hold posts ordinarily held by members of the Indian Civil Service. The number of posts allotted to such officers was up to 1924 limited to a maximum of 16 per cent. of the total cadre. This maximum was never attained and the number of posts so held amounted in 1925 to 89. In practice the system has developed in most provinces into one whereby elderly and deserving members of the Provincial Service are shortly before retirement mainly on grounds of seniority appointed to posts ordinarily held by officers of the Indian Civil Service. The practice is agreeable to the Provincial Civil Service but it does not represent a good system of staffing a service which requires great vigour and initiative. The officers promoted in this way do not possess the status of members of the Indian Civil Service and I do not think it would be maintained that as a class they are having regard to the date of their promotion comparable with them.

29. On 1st April, 1913, there were 1,371 Indian Civil Servants of whom 1,305 were Europeans and 66 were Indians or Anglo-Indians. Five years previously there were 59. Between 1900 and about 1913 35 Indians entered the I.C.S. to 651 Europeans. The war and the political developments arising out of the war have completely altered the situation.

30. Since 1914 which may be regarded as the last year of normal recruitment, the following eight avenues of entrance to the Indian Civil Service have existed at various times:—

1. From 1915 to the present time the open competition in London open both to Englishmen and Indians.
2. In 1915, 1916 and 1917 appointments of Indians under the Indian Civil Service (Temporary Provisions) Act, 1915. These were in fact Indians who had been unsuccessful at the open competition in London.
3. 1919–1923 inclusive. Appointment of persons who had had war service by nomination under the Act of 1915 after a qualifying examination.
4. In 1921 and 1923 appointments of Indians by nomination in pursuance of the policy of associating Indians in increasing numbers with the government of the country.
5. In 1923 appointment of surplus officers of the Indian Army.
6. In 1922 and subsequent years appointment of persons domiciled in India on the result of a competitive examination held in India.
7. Since 1922 appointments based on the ground that the candidate belonged to a particular religion, Muslim, Sikh or the like.
8. Appointments based on the fact that a candidate belonged to a particular province of India, i.e. Burma.

31. The period may be divided roughly into two periods, 1915–1922 and 1923 to 1928.

In the period 1915–1922, the open competition in London practically collapsed. In 1914 the competition provided 47 appointments—40 English and 7 Indians. In the next eight years only 26 Englishmen were appointed; and in the 5 years 1916–1921 only 9 Englishmen were appointed. In the eight years 49 Indians were appointed by this method. The number of candidates fell from 183 in 1914 to 21 in 1919.

32. No steps were taken to make up the deficiency in English recruits till 1919 and the first of them arrived in India in October, 1919, nearly a year after the Armistice. These were recruits who had served in the war appointed after a qualifying examination. A perusal of their record shows that at the commencement of their war service they were mostly persons of great educational promise but their education was interrupted at one stage or another by the war. They entered the service at an advanced age as compared with the ordinary recruit but they were all under 30 at the date of entry. The number so recruited was 138 of whom 2 were Indians.

33. 45 Indians were appointed in 1921 and 1923 in pursuance of the policy mentioned in paragraph 4 above.

Fourteen English officers surplus to the Indian Army were appointed in 1923.

In 1922 the Allahabad open competition for the Indian Civil Service was started. It provided 9 Indians. In the same year the practice of appointing persons to the Indian Civil Service on religious grounds was commenced and four Indians were so appointed.

34. The summarised figures for 1915–1922 are, therefore, as follows :—

Total Appointments	291
By Open Competition	84
By Nomination	207
English	176
Indian	115

I have included in these figures 27 appointments by nomination which were not actually made till 1923, because being made under the Temporary Provisions Act of 1915, they properly belong to the war period. I should mention that these figures are based on my own researches and may contain trifling inaccuracies.

35. From 1922 onwards the London open competition gradually righted itself. The power to appoint by nomination under the Temporary Provisions Act, disappeared in 1924 and was not exercised after 1923, but a new complication was introduced in 1922 by the introduction in that year of a competitive examination for the Indian Civil Service confined to domiciled Indians and held in India originally at Allahabad but now at Delhi.

With this examination vanished the old practice of appointing candidates to the Indian Civil Service whether European or Indian strictly in order of merit, since it is impossible to arrange in one order of merit two sets of candidates examined in different subjects, at different places and (now) by different examiners.

36. Another consideration destroyed the possibility of making appointments in strict order of merit. The percentage of recruitment of Indians for the Indian Civil Service was fixed in 1920 at 33 rising by 1½ per cent. till 48 per cent. was reached in the year 1930. That proportion was altered by the Lee Commission whose proposals are contained in paragraph 109 (XIII) of page 65 of their report. They contemplate that of the posts in the civil service 40 per cent. should be recruited from Europeans, 40 per cent. from Indians and 20 per cent. by the promotion of Indians from the provincial service. It is obvious that it is only by the merest accident that an order of merit could conform with these percentages and that the necessity of adhering to a percentage based on nationality must almost invariably mean that some of the candidates who would succeed on order of merit are excluded by their nationality whether that be Indian or European.

37. A third consideration has involved a still more extreme departure from the order of merit. Englishmen compete only in London. Indians compete both in London and in India. The London competition is in practice closed to all Indians who cannot afford the heavy expense of a journey to England ; it is specially favourable to those who can incur the still heavier expense of an English education. Consequently, the great majority of Indian candidates have to compete in India or not at all ; the small minority can compete in London.

38. It is necessary, however, in London to complete the quota of English recruits and it would be contrary to justice to exclude from the I.C.S. any Indian who beats in the London Examination the English recruit who stand lowest on the English quota. The result is that the minority of Indians who can compete in London have the first call on the Indian vacancies and the majority of Indians who can only compete in India have to scramble for the residue. This residue is still further diminished by another consideration. One-third of the Indian places in the Indian Civil Service are reserved for minority communities (Muslims, Sikhs, etc.). If, for instance, there are 30 Indian places, it is ascertained how many minority community members have got in by direct order of merit. If that number is less than ten the deficiency is made up by nominating outside the direct order of merit members of those communities.

Consequently, the Indian in India after finding that a large proportion of the Indian places has been monopolised by the minority of Indians who can compete in London finds that the residue available for competition in India, is still further reduced by the provision for appointment on religious grounds.

It may thus easily happen in any year that there are no vacancies at all available for competition in India. In no year have there been more than nine vacancies so available and in one year the number fell to three. Thus in London there are many places for few candidates and in India few places for many candidates.

39. In practice Indians have discovered that it is much easier to get into the I.C.S. in London, than in India ; and a practice has sprung up whereby a candidate who has failed in India goes to London if he can raise the necessary funds and succeeds there. In the London examination of 1927 I think no less than ten candidates were successful who had previously failed in India. One candidate was successful whom after careful consideration the Public Service Commission had rejected in India as being too bad even for a nomination as member of a minority community.

40. The sense of injustice thereby created must be very great. A is fifth in the Indian competition when there are only four places to be awarded. He fails and must seek another career. B is perhaps fortieth in the same competition. He is able to go to London and gets into the I.C.S. A and B may both come from the same province and A having failed may enter the provincial service. He will then serve under B who is his inferior in every respect. Cases of this kind are not imaginary. They are common and becoming increasingly common.

41. In order to remedy these difficulties it has been suggested that the London competition should be closed to Indians and that all Indians should compete in India. I think such a proposal, if accepted without modifications, would have rather unfortunate results. Indians have always been able to compete at the London Examination, and the withdrawal of the privilege would be resented. It would also render impossible any comparison of the merits of European and Indian recruits. Apart from this, however, I should greatly deprecate any hindrance to the entry into the I.C.S. of Indians who have been educated at English Universities and possibly at English public schools. I need not enter into the debatable question whether it is desirable that an Indian should obtain his education in England, and, if so, from what age. The fact is that there are many Indians educated in England and they afford some of the best possible material for the I.C.S., material I should be sorry to lose. Few of them could afford to come to India on the speculative possibility of success in the Indian examination in which their English education would be rather a disadvantage than an advantage and there are special difficulties attaching to their attendance at the Indian Examination.

42. It is a case where there are obvious disadvantages attaching to every solution and it is necessary to choose the least disadvantageous. On the whole I am inclined to think that the least objectionable course would be as follows :—

1. Close the London examination to Indian candidates.
2. Invite applications in London for entry to the I.C.S. from Indian candidates who are being educated in England.
3. Bring applicants before a selection committee in London to select a small number of candidates who appear likely to be successful.
4. Send those selected candidates to compete at an Indian Examination, giving them a pecuniary allowance to cover the whole or part of the expense of their journey to India.
5. If the Indian examination appeared to be unfavourable to these candidates, give them an option of taking special papers in some subjects.

If objection is taken to (4) on financial grounds, I would point out that the money which is spent under (4) could be saved by abolishing or curtailing for English educated candidates the period of probation in England.

43. It seems clear that the present system must break down before long owing to the intrinsic unfairness and discontent it causes. It is deeply

injurious to the prestige of the Indian Civil Service because it can no longer be said even approximately that the best Indians get into the Indian Civil Service: and as soon as that fact is generally realised its right to be regarded (so far as the Indian recruitment is concerned) as the premier service will vanish. If the successful Indian competitor in London is often inferior to the unsuccessful Indian competitor in India, the question arises whether the successful competitor in India represents the best material which India can produce. At first sight one would expect that this would be so, since to the Indian the Indian Civil Service represents the best career which is available to him. In order to explain why it is not necessarily so, it is necessary to examine the problem which confronts the Indian graduate when he has taken his degree. The annual output of Indian graduates is enormous and a far greater proportion of them than in England look to Government service for a career. In England the Home Civil Service examination is the chief service which is staffed by graduates and the graduate looks to that examination as his means of entry. Other branches of the civil service are recruited at examinations for which graduates do not compete. Government servants are, therefore, divided fairly sharply into an upper division of graduates and a lower division of non-graduates. The provincial services in England are usually not staffed by examination at all.

44. In India almost all the services (at any rate those to which the entry is by examination) are staffed by graduates, that is to say, by one class of persons who differ in their degree of education but do not differ generically. The graduate who wishes to enter Government service is confronted with a bewildering variety of alternatives. He can enter for the All-India examinations such as the I.C.S., the Indian Audit and Accounts, the Imperial Police, the Forest Service and the Railway Service, each of which have their separate examination, or he can enter for the Provincial Services, many of which are recruited by examination, or he may enter for the service of the Government of India Ministerial Establishment, which is also recruited by examination. He has his choice between these alternatives, but, if he cannot get into the service of his choice, he is bent on getting into the service somehow; and it is not uncommon to find a candidate who has tried for the Indian Civil Service and not obtained a place competing for a minor clerical post in the Government of India Secretariat.

45. Examinations in India are, however, very expensive. There is a substantial entrance fee, but the main part of the expense is due to the fact that the candidate has to travel once and sometimes twice to an examination centre which may be a thousand miles away and pay for his maintenance during the progress of the examination. The expenses are greater for an Imperial examination than for a provincial examination since the candidate has to travel further.

The candidate for Government service is generally a poor man and for financial (if for no other) reasons he can not afford to go in for all these examinations. Further, he is unable to study for them all because though they do not vary very greatly in their syllabus, they do vary and each examination requires some special preparation. Lastly, he cannot take all the examinations because their dates sometimes clash.

46. It is therefore necessary to make a choice. To take an instance, a graduate of the United Provinces knows by his academic record that he is about the best man of his year in the United Provinces, and is fairly sure of being successful in the examination for the United Provinces Provincial Service. The examination and the attendance at the examination is comparatively cheap. The range of subjects he has to offer is comparatively small. If he is appointed, he begins earning money at once and he knows that his career will be in his own province and among his own people.

The alternative is to enter for the I.C.S. Here he has to compete against candidates drawn from the whole of India. He is unable to compare himself with them or gauge his chances of success. The vacancies are only four or five. He has to pay a large entrance fee and stop for about three weeks in Delhi. He has to take up subjects for the examination with which he was perhaps previously unfamiliar. If he is successful, he has to go to England for two years on an allowance only sufficient to cover his expenses. At the end of that time he may find himself in a province far removed from his own people, the language and associations of which are alien to him. The prize, if he obtains it, is very substantial, but the stakes he has put down are very large and the odds against him are very heavy.

It is little wonder that in these circumstances he prefers the comparatively safe course of competing for the Provincial Service to the hazardous course of competing for the Indian Civil Service. I have been assured from many quarters that the entrants to the provincial services are often superior to those for the Indian Civil Service, and I know of several cases in which a candidate who has been unsuccessful for the provincial services has been successful for the I.C.S. But the competition is not only between the I.C.S. and the provincial services. It is also between the Imperial Services themselves. The Indian Audit and Accounts examination probably attracts as good a class of candidates as the I.C.S., and possibly better.

47. The main reasons for this state of affairs is, first, the very small number of places awarded on the result of the I.C.S. examination and, secondly, the multiplicity of examinations. The latter is a very distinct evil in itself. It is educationally most undesirable that an Indian graduate who has just emerged from his degree examination should spend a year or more cramming for and taking a series of examinations at all of which he may be unsuccessful.

48. The remedy is an extensive amalgamation of examinations. I should like to see an annual examination conducted at the provincial centres throughout India at which Indians could compete :—

1. For the Indian Civil Service.
2. For the Indian Audit and Accounts.
3. For their own provincial service.

A partial amalgamation was effected this year between the Indian Civil Service and the United Provinces Provincial Service. In my opinion it was a great success and highly beneficial to both services; it would have been a still greater success if the amalgamation had been more complete. The Public Service Commission, however, have no power to extend the system, because it can only be adopted if the Local Government agree, and each Local Government has a right, even if it agrees, to insist on its own special conditions. Special conditions appropriate to particular provinces there must of course be; there is no difficulty in incorporating some special conditions into the system, but there are other special conditions which would make the system unworkable. I do not expand this proposal and am of course aware that special difficulties attach to it which must be faced.

49. The effects of the happenings of 1915 to 1928 will not reveal themselves fully till about 1935, when the recruits of 1915 to 1928 begin to occupy positions of major importance in the Indian Civil Service. By 1945 practically all the pre-war recruits will have vanished and for a period of 15 years all the senior and influential posts will be held by the succeeding generations. It is clear that the constitution of the Indian Civil Service will then be entirely different from what it was in the past. The homogeneity based on common traditions and a common training will have vanished. The inroads made on the principle of open competition will be enormous and even among those who entered by open competition it will be impossible to say that they represent the best material available. I am far from saying that the members of the Indian Civil Service may not be as good men as they were before the war. I have heard it frequently said that the war period 1915–1922 introduced into the I.C.S. much inferior

material, but I have no means of testing the truth of that statement. What is quite clear with regard to the Indian recruit at any rate is that his position will no longer be incontestable or incomparable. There will be in every part of India, except Burma, large numbers of persons in other services, and often in inferior services, who have demonstrated their superiority to members of the I.C.S. in open competition. There will be large numbers of officers in the I.C.S. who have either never demonstrated their superiority at all or have demonstrated their distinct inferiority. In these circumstances, it will be difficult to maintain the prestige of the I.C.S. or to justify the wide gulf which separates that service from others in the matter of emoluments, privileges and conditions of service.

50. Before passing from the Indian Civil Service I desire to mention one entirely unconnected matter which has come under my observation. Unlike other Government servants the Indian Civil servant has a wide choice as to the date at which he may retire and earn a full pension. He may retire after 25 years or remain for 35 years. Put roughly in terms of age he may retire at about 50 or at about 60. Few serve the full 35 years though there appears to be for many reasons an increasing tendency to serve either the minimum or maximum time. In the English civil service the rule is that a servant may be required to retire at 60 and must retire at 65 except in very exceptional circumstances. Many officers are required to retire at 60 and in some offices it is practically the rule. The requirement involves not the slightest reflection on the efficiency or competence of the officer. It is often made merely on the ground that it is desirable to accelerate promotions. The Indian Civil Service like all other services contains officers whose efficiency is doubtful and who cannot with safety be appointed to posts of major responsibility. It also contains officers who whatever their earlier efficiency may have been, lose that efficiency as their years advance. I think it is a matter of imperative importance that machinery should exist whereby officers of this kind can be retired at an age at any rate earlier than 60, and retired without the difficulties and unpleasantness which attach to the formulation of definite charges of incompetence or misconduct. Personally, I should like the point at which the machinery should come into operation to be the point at which the officer has earned his full pension, but I think much would be gained even if the point were put a few years later. Promotion in some provinces is from time to time deplorably blocked; and I think the change I have suggested would be greatly facilitated, if it were recognised that an officer might be required to retire to relieve a block in promotion. Generally I should like to adopt the English system I have mentioned with the substitution of the ages of 55 and 60 for the ages of 60 and 65. It would of course be necessary in the adoption of any new rule to consider the vested rights of those already in the service. I am convinced, however, that the necessity of such a rule will as the years pass be increasingly revealed.

OTHER ALL-INDIA SERVICES.

51. The other All-India services with which the Commission have been mainly concerned are the Police Service and the Forest Service. The Engineering Service (so far as it is not provincialised) is under reconstruction so far as recruitment is concerned, and the Indian Medical (Civil) has lately been the subject of a decision with which the Public Service Commission were not concerned.

In the case both of the Police Service and the Forest Service it is very noticeable that the same phenomena occur as in the case of the Indian Civil Service, namely, that it is impossible to say that the Imperial branches of the service attract better candidates than the Provincial branches. Both the Police Service and the Forest Service suffer from a deficiency of Indian candidates. These phenomena are very disquieting; and the solution in each case must be particular and not general. It is only after a very careful study of the facts in each case that it will be possible to find a remedy. I think that study must be undertaken by the Public Service Commission in close co-operation with the authorities most directly responsible for the Police and the Forests, respectively. Those who have an ultimate responsibility for these services have little direct knowledge and I do not think their intervention is apt to throw much light on the situation. For the present I am not prepared to propose a solution.

PROVINCIAL SERVICES.

52. I desire to say nothing as to these beyond what I say when dealing with methods of recruitment and local service Commissions.

METHODS OF RECRUITMENT.

53. There is no ideal method of recruitment for the public service and no adequate method of testing whether a system of recruitment is successful or not. The best system breaks down if the material is bad, and the results of a system do not manifest themselves fully for twenty or thirty years. Recruitment in fact must necessarily be a gamble since it is impossible with any scientific accuracy to determine whether a young man in his early twenties will prove to be a successful public servant in his forties. Whatever system is adopted failures are inevitable. Up to 1914 the Indian Civil Service was recruited probably from the best material available in the British Empire and by methods devised with infinite care. A very experienced and senior Indian Civil Servant investigated the service of 200 Indian Civil Servants with whose careers and personalities he was well acquainted. He classified them as follows:—

Brilliant men who would have made a name anywhere	11 per cent.
Good men who would have worked up to managing big businesses, made good practices at the bar, and so on	52 per cent.
Men who would have worried and made their places but never gone far	25 per cent.
Bad bargains, men whom the service would have been better without ..	11 per cent.

Such an estimate must necessarily be personal, and other observers might arrive at different conclusions. The fact that over one-third of the persons appointed were comparatively failures in my opinion shows not that the system of selection was bad, but that whatever the system and however good the material from which a choice is to be made, a considerable percentage of partial or complete failures is inevitable.

54. A system of recruitment is apt to be judged not by its successes but by its more glaring failures, and it is on this account that public opinion becomes critical of the existing system as soon as it has had time to forget the difficulties and failures of the system which preceded it. At the present time and for some years past there has been a pronounced reaction from the belief in competitive examination which is the system which has prevailed for many years.

For practical purposes the main controversy over recruitment is as to the respective advantages of recruitment by selection and recruitment by examinations. In between these alternatives lie several systems of recruitment in which both selection and examination are combined.

55. I have had an unusual opportunity of comparing the merits of selection and examination, because while I served in the Home Civil Service, which is predominantly recruited by competitive examination, the office in which I served was recruited almost entirely by selection. The general conclusion at which I arrived in England was that selection practised according to English traditions

and under English conditions produced a type of recruits in no way inferior and probably superior to that recruited by competitive examination. The impression I got was that the selection office recruited more men of educational brilliance, that the general level was not inferior to that of a Competition office but that the tail was worse. The inferiority of the tail I attribute partly to grave errors of judgment and partly to jobbery. Jobs undoubtedly do occur wherever patronage exists; but for various reasons they were not common. Consequently I came out to India with a certain bias in favour of selection as a method of recruitment in preference to competitive examinations.

56. I propose to deal first with the commonest type of recruitment, namely, the recruitment of young men generally between the ages of 19 and 24 of whom nothing is required except that they should possess either (*a*) an adequate general education or (*b*) a general education with a bias towards certain subjects of study such as science, economics or mathematics.

To class (*a*) belong the general executive services such as the Indian Civil Service and the provincial services. To class (*b*) belong such services as the Forest Service, the Audit and Accounts Service and the Railway Services in which it is important that the recruit should have attained a degree of proficiency in studies which form the foundation of his future work.

57. For practical purposes there is little difference between classes (*a*) and (*b*). The only difference is that in class (*b*) where recruitment is by examination, the syllabus lays emphasis on those subjects of study which are specially important.

58. My experience of Indian conditions has convinced me that whether I was right or wrong as to England, I should be entirely wrong if for this class of appointment in India I advocated appointment by selection. I think that for the class of recruitment I have mentioned the only way of getting a satisfactory result is by competitive examinations.

59. I should first like to assume a case in which the selection is absolutely honest without any suspicion of racial or communal bias and is directed solely to the end of obtaining the best man for the public service; and to compare the conditions under which the selection is carried out in England and in India.

60. In England a Selection Committee generally has a comparatively small number of candidates with whom to deal. With regard to each candidate it knows :—

(*a*) His academic record at the university.
(*v*) His record as to games.
(*c*) His record at school.
(*d*) The opinions of those who have had the best opportunities of judging of his attainments and character.

Each of these items can be weighed almost to a nicety. Everybody knows for instance what value is attached to a First class at the older Universities; what it means that a man has been captain of a school eleven; and with regard to testimonials the Selection Committee generally knows both those who have given them and those who have received them and knows what value is to be attached to the opinion of the giver. All the conditions are as favourable as they well can be to appointment by selection.

61. I have sat on many Selection Committees in India and have observed their difficulties. For the purpose of recruiting to a provincial service the conditions would probably be as follows :—

(1) The Selection Committee (generally far too large) would consist of a number of senior officials with a minority, large or small, of senior non-officials. Few of them have had any extensive experience of selecting candidates. Many of them seldom or never in their daily lives encounter young Indian graduates: few of them are in a position to assess the educational attainments or the intelligence of the candidates who come before them.

(2) There may be anything up to 200 candidates. It may be taken almost for granted that each of these candidates will possess a University degree from one of the many Universities in India, will have played one or more games, will be certified to possess an excellent moral character, and will present the most excellent testimonials.

(3) How then is the Selection Committee to discriminate between them? Seldom by any of the criteria mentioned in the preceding paragraphs. The standards of Indian Universities vary so infinitely between themselves and vary so much at different times and in different schools that it is seldom possible to draw any sound conclusion from a University degree. The higher distinctions of certain Indian Universities are sparingly granted and have a well recognised value. The higher distinctions of certain other Indian Universities cannot be regarded as guarantees of educational excellence. It is however very unsafe to assume that the candidate from one of the Universities of the latter class is not a good candidate.

With regard to games a conclusion can be drawn from quite exceptional excellence, which is of course rare. In the majority of cases it is impossible to draw the same conclusions as can be drawn from similar facts in England. In England most undergraduates have ample opportunities of playing all games except perhaps lawn tennis and golf. In Indian Universities the opportunities are very uneven, and the tradition in favour of games is not so pronounced. An advocate of games in England might turn a candidate down if he had never played habitually any game except lawn tennis, it would not be fair to do that in India. It is also impossible to assess the value of a statement (e.g.) that a candidate was in the hockey eleven of a particular hostel in a University, since it might well be that in that hostel only eleven people played hockey.

With regard to testimonials (except again in very exceptional cases) I do not think anyone, as regards Indian candidates, attaches or can attach the slightest value to them. The exceptional case is a particularly enthusiastic testimonial from a professor, the value of whose judgment is well known to some member of the Committee. That carries weight and is apt to carry excessive weight as against a candidate whose professor is equally well qualified to express an opinion, though his qualifications for doing so are not known to the Committee.

(4) How then does a Committee form its opinion? It attaches such weight as it can to degrees, etc. It interviews the candidate for periods varying from about ten minutes to half an hour. During this period it examines his physique, manners and general demeanour and tries to get some idea of his intelligence. The last process is generally attempted by firing questions on general knowledge at him and by asking him what English books he has read. General knowledge is a valuable acquisition, but questions asked at an interview must be selected capriciously and may put a candidate at a serious disadvantage. It is far more easily tested by a general knowledge paper. Inquiries as to what English books the candidate has read generally end in a stalemate.

(5) The tedium of the process contributes materially to the uncertainty of the result. One hundred and fifty candidates examined for twenty minutes each means fifty hours work; and since human nature is not equal to a greater strain, this means ten days interviewing for five hours a day. I do not think that at the end of such a process any member of the selection Committee can claim to have any distinct recollection of the respective merits of the candidates they have interviewed or to have judged all the candidates by the same standard.

What has probably happened is that all the Committee have probably concurred in rejecting entirely a hundred out of 150 of the candidates.

With regard to the remaining 50 very diverse views have been entertained. These views are probably averaged. It would be a very sanguine person who felt satisfied that by this method the comparative merits (say) of A who was interviewed fifth on the first day and of B who was interviewed last on the tenth day were effectively assessed.

62. My experience, which has been chiefly confined to cases in which the number of candidates was not so large, is that the whole process is dangerous and infinitely hazardous. I think most selection Committees on which I have served have been very doubtful about the results of what they had done. They have done their best on insufficient materials. The process is I think fairly successful in weeding out the worst candidates. I do not think it is successful in selecting the best, and I think in the process of weeding some of the best candidates are apt to be weeded. Actual cases of proved errors have occurred, e.g. when a candidate selected by a selection committee for a superior service has been rejected for an inferior service, where a candidate who was selected to be admitted to an examination one year and got a very high place in that examination was not even selected in the following year to sit for the examination, where A has been preferred to B by one selection committee and about a week later another selection Committee very similarly constituted has preferred B to A.

If I were to attempt to assess roughly the importance attaching to different elements in the final result, I should be inclined to say that a good physique and attractive manners count for about 60 per cent., the ability to answer general knowledge questions about 20 per cent., and previous academic attainments whether in work or games for about 20 per cent.

63. These are in my opinion the conditions which prevail where everything is fair and illegitimate considerations are not allowed to intrude: and my actual experience is almost confined to such cases, though once or twice I have had reason to suspect that illegitimate considerations were exercising an influence. When I deal with illegitimate considerations I am on difficult ground. Jobbery can never be proved in a Court of Law even where its existence is patent to the unprejudiced observer. In making the following observations I am conscious that I am saying things I cannot prove. I can only say that I think I should be falling short in my duty if I did not put before the Commission the impression I have obtained as the result of such enquiries as I have been able to make.

64. I have alluded to the fact that in England jobs are occasionally perpetrated wherever recruitment is by selection. In this respect English conditions are different from those prevailing in India.

First in England a person who refuses to commit a job may disoblige a friend or a relation, but does not thereby lose his seat at an election or lose votes in a critical division in the House of Commons.

Secondly in England a person who is in a position to commit a job seldom has many friends or relatives, so closely allied to him by considerations of friendship or kinship, that he is anxious to commit a job in their favour. In other words, the greatest conceivable jobber would soon find that the number of his possible beneficiaries was exhausted.

Thirdly a person in England who is in a position to commit jobs is seldom so violently attached to a particular denomination of Christians or to a political party or to a particular nationality that he desires to do violence to his conscience by preferring candidates for the public service from that denomination, political party, or nationality to candidates better qualified from other sources.

Fourthly in England a wholesome public opinion hostile to jobbery has grown up during the last century.

65. On all these points according to all the information I have received India is very different.

On the first point I have been assured on the most responsible authority that Indian Legislators have represented to Government that they would lose their seats unless patronage was exercised in favour of their friends. I have also been assured that a power to exercise patronage is essential for the purpose of securing wavering votes in a legislative council. In these circumstances the temptation to commit a job is enormous. The addition to the public service of a person of doubtful qualifications inflicts no immediate irretrievable damage. The loss of a critical division may have most serious consequences. On the second point I have been assured that those Indians who are in a position to exercise patronage are frequently surrounded by a large number of persons who press him to exercise his patronage in their favour.

The third point I need not labour. It is notorious that communal preferences pervade the public life of large parts of India. The extent to which this prevails is almost incredible. It has been represented to me on more than one occasion that in a certain area a candidate for the public service on being medically examined may be rejected on religious grounds if he is examined by a doctor of a different religious complexion from himself. I could neither prove nor investigate this but I have no doubt my informant believed it.

Fourthly it has been repeatedly and from many quarters stated to me that public opinion in India is such at the present time that no stigma attaches to jobbery. On the contrary an Indian who possesses patronage and does not exercise it in favour of his friends is regarded as a traitor to the obligations of friendship.

All these considerations appear to me to make the risk of jobbery which always attaches to a system of selection infinitely greater in India than in England with University men.

66. I have often discussed this subject with non-official Indians and especially with University men.

I think there is no doubt that they regard a system of selection as almost synonymous with a system of jobbery and those among them who prefer to rely on their own merits intensely dislike the system. It is a material factor in the consideration of the problem that it is desirable if possible to select those who are to exercise positions of authority in a manner which commands the confidence of the governed.

67. Appointment by pure selection is now confined to narrow limits within the All-India Services, but many European officials advocate it for the Provincial Services, and I have tried to discover the grounds of this advocacy. I think they are as follows :—

(1) Government officials who possess the power of patronage believe they exercise it well and do not like having the powers of Government taken out of their hands.

(2) Indian opinion only respects a Government which has power and exercises it. The exercise of patronage from time immemorial has been regarded as one of the most important powers of Government, and a Government which does not possess this power forfeits respect.

(3) It is really important to Government to be able to conciliate enemies or retain friends by the exercise of patronage.

(4) It is commonly believed that a system of competitive examination is inconsistent with a system whereby attention is paid to the due representation of communal interests.

This idea is really due to a misconception.

(5) The old traditions of the Competition Wallah survive, and it is believed that the man who gets a place by competitive examination is entirely incompetent for any other purpose than that of cramming text books.

If this was ever true, my experience leads me to think that it is entirely untrue now.

(6) There are many who have a genuine belief in the merits of selection, especially when the selection is performed by themselves. In my experience it is uncommon either in England or India to meet a

successful man of middle or a little more than middle age who is not convinced that he is peculiarly able to detect from among a crowd of candidates the candidate who is best, after an interview of a quarter or half an hour. I believe almost invariably he is under a delusion, and the greater his conviction the greater his delusion. I have seen great injustices perpetrated in this way in England and candidates who have been rejected have in other spheres attained positions which are a testimony to their abilities. In India the chances of error are greatly increased in the case of the European official. It is his misfortune that his official career cuts him off very largely from the society of the young of his own country. He is generally unacquainted with the young of India. He is apt to judge an undergraduate of an Indian University by his recollection (already grown rather hazy) of the standards of the undergraduate of Oxford or Cambridge at the dawn of the twentieth century.

(7) Many persons love to repeat the statement that there are " qualities which cannot be tested by " examination." The question arises whether they can be tested by a short interview. At an interview you can determine whether a man is good looking, has a stout physique and pleasant manners. These no doubt are elements which enter into a choice. It is generally agreed by those of experience in these matters that you cannot form any opinion about moral qualities such as courage, honesty, endurance and industry. You may be able to obtain some opinion whether he is the sort of man who commands respect and confidence, but on this point opinion must necessarily be very uncertain. All other qualities are better tested by written examination.

(8) I find many advocates of selection emphasise the importance of appointing men of family to the public service on the ground that they alone can command respect. I believe that these persons are the exponents of a tradition, prevalent thirty years ago, which is rapidly dying out. I do not deny that candidates occasionally may have social connections which may be prejudicial to their usefulness but generally a candidate derives as much credit from his office as his family. I have talked to many non-official Indians on this subject and they all speak with contempt of the official who is jobbed into the public service on account of the distinction of his family. The only case in which the idea was allowed full play was the case of the Statutory Civilian and that proved a disastrous failure. I have been told that men of family are beginning to realise that their chances are slender unless they become also men of education, and are trying to equip themselves for the public service. Nothing could be more desirable in the interests of India, and appointments on family grounds remove the incentive to improvement.

68. There is a type of recruitment midway between recruitment by competitive examination and selection which in various forms is very prevalent in India. The following forms occur :—

(1) The recruitment is by competitive examination but only selected candidates are admitted to the examination.

Such a system is sometimes necessary in order to reduce the unwieldy number of candidates. I do not think the system works well chiefly owing to the difficulties attaching to selection and I prefer where possible other methods of reducing numbers.

(2) The recruitment is after an examination of selected candidates but the appointments are not necessarily made in order of merit in the examination.

The system causes much heart-burning. If once a candidate is regarded as sufficiently suitable to appear at the examination, he feels aggrieved if a candidate who has done worse than he has is appointed.

(3) The recruitment is by competitive examination but a large or small proportion of the marks is assigned to the *viva voce*. Those marks are really assigned not only for *viva voce* but also for school and university record both in work and games.

Where the proportion of marks assigned to *viva voce* is small, the system is almost indistinguishable from the system of pure competition ; where it is large, it becomes almost indistinguishable from selection. *Viva voce* examination can be conducted in various ways, but in India, owing to Indian conditions, they are almost inevitably conducted in the least satisfactory way, namely, interviewing for somewhat less than half an hour a very large number of candidates of whom the interviewer possesses no previous knowledge.

69. I am not a great believer in *viva voce*. It is surprising how seldom it affects the final result. When it does it affects candidates on the margin of success or failure who are divided by very few marks in the written examination. Thus a few marks one way or the other may turn the scale. I think any approach to accuracy in marking at *viva voce* is an impossibility, and consequently where the marks have an effect I think the effect is as often unfair as fair. Before I began this work I was a believer in the *viva voce*, as I think most persons who have not closely examined its working are. A long study of examination results has satisfied me that the marking is so capricious and so dependent on accidental circumstances that little importance should be attached to it. In the present state of public opinion I should not propose its abolition and I think it is not entirely without value : but I think in a competitive examination it should account for only a small proportion of the total marks. I ought perhaps to say that some of my colleagues disagree with me on this point.

70. I think those who openly advocate the view that a Government must have patronage with which to conciliate enemies or reward friends do not fully realise how completely the situation has changed in the last few years with the great increase in the numbers of the politically minded. So long as their number was small, it was possible by the exercise of patronage to conciliate a few and not to offend very many and there was no strong public opinion to be antagonised. At the present time and increasingly so every day it is the case that the person who exercises patronage, conciliates a few persons whom he desires to conciliate at the cost of offending ten times that number of persons who had hoped that the patronage would be exercised in their favour. He affords to the enemies of government who claim to be supporters of purity of administration a quite legitimate ground for criticism. He alienates the whole body of Indian graduates, who have sufficient grievances in any case and who see themselves robbed of the fruit of the labours on which they had been encouraged by Government to embark. He provides the public service with a servant of inferior quality. In short, the disadvantages of patronage far outweighs the advantages. The condition of affairs is not dissimilar from that which prevailed in England after the Reform Act, 1832. The high-minded objected to political patronage because it was wrong : the less high-minded because it did not pay. Consequently the competitive system took its place.

71. It is for these reasons and not because I am a blind believer in competitive examinations in every place and under all conditions that I advocate recruitment by competitive examination as the only satisfactory method in India and under the conditions at present prevailing in India of recruiting the public services so far as the common type of recruitment is concerned.

Specialised Recruitment.

72. It is often necessary to recruit officers of mature years and experience for special posts. Here examination is impossible and the selection must be based on a general review of the candidates' knowledge and experience. These appointments are necessarily made by selection committees. The practice is for three members of the Public Service Commission assisted by an officer of the department concerned to make the selection. The Government of India

have invariably I think agreed to selections so made. (Since writing this sentence they have disagreed in one case owing to very special circumstances.) I think the system has worked very satisfactorily and to the satisfaction of the Departments concerned. What of course is essential is that the impartiality of the Selection Committee should be recognised.

Recruitment by Promotion.

73. Promotion largely turns on the relative claims of seniority and merit. Seniority ought in fact to be of no importance because the question of seniority only becomes of importance on the occasion of a promotion. In the vast majority of cases, however, it has been definitely ruled that promotion is a matter of selection and that while experience is a factor in selections seniority as such has no place. When controversies as to seniority arise the Secretary of State is apt to tell the parties that seniority does not matter because promotion is made by merit.

74. Promotion ought to be made by merit but in fact it is not. Whatever Secretaries of State may say everybody in India knows that Governments prefer to protect themselves from criticism, from harassing complaints and from charges of partiality, and that the easiest method of doing this is to promote by seniority and not by merit, merely weeding out the obviously unsuitable.

75. I think it is impossible to eradicate this tendency of Government, which is due in part to conditions which are specially Indian: but a further complication is introduced into the matter by the fact that the seniority which Governments take into account is not real seniority but a seniority based on rules which they have made and which are often quite absurdly wrong. Hence arise the most devastating controversies raging over many years and absorbing the energies of the most highly placed officials both in the Central and Local Governments, first as to the terms of the rule before it is made and subsequently as to its amendment after it is made. We get then the situation first that Governments are guided solely by so-called seniority, when under the rules seniority as such should not be taken into account at all; secondly they are guided solely by rules of seniority which are patently wrong; and thirdly in consequence of the first two propositions they prefer A to B in pursuance of the rule of seniority, when it is manifest that on any reasonable interpretation of the facts B is senior to A and possibly a better man.

76. These perpetual disputes are as far as I know peculiar to India. In England to the best of my belief if A and B had a dispute as to their respective seniorities and referred the matter to the Head of their Department, the Head would tell them to go away and do the work which they were paid to do. On the basis of that work and on no other basis he would decide when the time came which of them to promote. In other words he would refuse to decide a dispute which, however interesting to the combatants, was of no interest to Government.

77. I can only suggest that the same rule should be applied to India. Let all the facts of an officer's career be properly recorded: and on those facts when the question of promotion arose it could be decided which officer was deserving of promotion. This would not prevent (and I think nothing can prevent) an officer being promoted mainly on grounds of seniority. It would at least prevent an officer being promoted on the ground of a seniority which did not exist and which rested on a rule which was absurd.

78. It is very hard to come to a conclusion whether as regards the general executive service the evil which is done by too slavish adherence to the principle of seniority outweighs the evils which might result, if promotion depended on personal choice and became subject to the accusation of favouritism which would undoubtedly arise. The situation may be much affected by altered conditions. If 95 per cent. of a service are of good quality promotion by seniority does little harm. Promotion by seniority may become positively dangerous if only 45 per cent. of the service are of good quality.

I entertain little doubt that in the specialist and technical departments the rule of seniority does untold harm. It frequently makes it necessary for a man in his own pecuniary interests to leave work in which he is doing immense service to India to take up work higher in order of seniority for which he has neither inclination or special capacity. This, however, is only one of the many examples of the defective organisation of specialist and technical work in this country.

79. The Public Service Commission are mainly concerned with promotion into an All-India Service or a Central Service (Class I) and even here their powers are very limited.

I have dealt with recruitment by promotion in paragraph 15 (*f*) of this Memorandum.

Generally speaking, the experience of the Public Service Commission as to promotion is not unfavourable. The best way of choosing candidates for a service is to try them, and promotion from an inferior service ought to afford a good method of getting efficient candidates for the superior service. In England it is not easy to resort to this method to any great extent because there is a clear line of division between the superior and inferior service represented by a different education. It is a difference of kind and not of degree and it is not often feasible to make promotion from one class to the other.

In India no such clear line of division exists. As is pointed out elsewhere it is largely an accident whether a particular recruit is in the superior or inferior service: and so far as academic attainments form a test the recruit in the inferior service is only separated by a few marks from and may actually be better than the recruit to the superior service. The conditions for promotion are thus ideal and the really promising youth in the inferior service ought to be promoted as soon as possible to the superior.

80. Unfortunately in India the service feeling both of the superior and inferior service is against promotion by merit from one service to another. The superior service which has entered that service by a recognised avenue dislikes the idea of any one entering by any other avenue, and promotions of this kind cause difficulties as to status and salary. On the other hand the older man in the provincial service is unwilling that the promising junior should be promoted over his head. The result is that the promising junior is seldom promoted and promotion is confined to senior men who are verging on retirement and are beginning to think that the time has arrived when they may rest on their oars. I doubt whether these persons greatly strengthen the superior service. In most superior services Government have issued orders that a certain proportion of the posts should be filled by promotion. In the I.C.S. the proportion is to be 20 per cent. When this proportion is attained it will scarcely be possible for Government to adhere to their present practice of promoting men of advanced service who have done their best work and some of the places must go to the juniors.

The situation is really becoming chaotic. The distinction between a superior service and an inferior (especially such a wide distinction as exists in India) can only be justified so long as the personnel of the one service is markedly superior to that of the other. As regards recruits now coming forward no such marked superiority exists.

LOCAL PUBLIC SERVICE COMMISSIONS.

81. The Report of the Royal Commission on the Superior Civil Services brought into prominence the question of establishing a Public Service Commission, and on 1st July, 1924, the Government of India addressed a letter to all Local Governments on the subject. The Governments of Madras and Burma in response to this letter formulated proposals for establishing local public service commissions. On 20th December, 1924, His Excellency the Viceroy in a telegram to the Secretary of State reported that

Madras and Burma wished to constitute local Public Service Commissions, expressed the view that they should be allowed to try the experiment and supported the proposals. In a Despatch of 9th April, 1925, the Secretary of State accepted the proposals on the understanding that the Public Service Acts necessary to make statutory provision for the local Commissions are duly made by the Provincial Councils.

82. When Parliament set up the Public Service Commission, it contemplated that its functions should extend throughout India. As the Government of India pointed out in their letter of 1st July, 1924, the Royal Commission on Superior Civil Services evidently held that the time was not yet ripe for the constitution of whole time Provincial Commissions. It was clear that if the intentions of Parliament and of the Royal Commission were to be carried into effect, it was vital to consider what should be the relation between the Public Service Commission and the local Commissions. The letter of 9th April, 1925, to which I have referred, did not answer that question. The most appropriate time to consider that question would be after the Public Service Commission had been set up and acquired some experience of the problem it had to face.

83. The question of local Public Service Commissions arose again in the summer of 1926, after I had arrived in India, but before the Public Service Commission was set up; and I then successfully represented that the matter should be deferred till the Public Service Commission was constituted. I understand that Burma are not at present proceeding with the proposal: but the issue is still alive in Madras.

84. On 10th December, 1927, the Government of Madras forwarded to the Government of India a Madras Services Commission Bill which they desired to introduce during the session of the Legislative Council beginning on 23rd January, 1928. On 30th December, 1927, the Government of India forwarded to the Public Service Commission a copy of the Bill and stated that the Government of India proposed to invite the Secretary of State to make a rule under section 96 (B) (2) empowering Local Governments to constitute local public service commissions. They pointed out, however, that the relations of such a Commission with the Public Service Commission required careful consideration and asked the views of the Commission.

85. The Bill differed in material respects from the proposals which the Madras Government had previously made in their letter of 12th September, 1924, and set up a local Commission entirely unconnected with the Public Service Commission. It was, in my opinion, inconsistent both with the intention of the Government of India Act and with the report of the Royal Commission.

86. The Public Service Commission replied on 30th January, 1928. A copy of their letter is attached. (Appendix A. One member of the Commission dissented on two points in the letter.) They said in effect that if an effective link were established between the Public Service Commission and the Local Commission, they thought the consideration of the matter might proceed: but, if there was to be no such link, the matter was of such importance that it should be referred to the Statutory Commission. The Commission in paragraph 14 made detailed suggestions as to various matters, including the relations between the Public Service Commission and the local Commissions. I have no information as to whether any further action has been taken in the matter.

87. On 9th March, 1926, the Civil Services (Governors' Provinces) Delegation Rules, 1926, were made. Under those rules the power to make rules regulating the method of recruitment to provincial services, subordinate services and special posts was delegated to the Local Governments of Governors' Provinces.

The rule provided that the making of first appointments to a provincial service, otherwise than on the result of a competitive examination, or on the advice of a permanent Board of Selection appointed by the Local Government, or of the Public Services Commission, should require the sanction of the Governor General in Council. It also provided that the fixing for admission to any existing provincial service of standards lower than the standards regulating admission to that service on 9th March, 1926, should require similar sanction.

88. This rule was made about six months before the Public Service Commission was constituted. Rather more than six years earlier Parliament had enacted that the public service commission should discharge in regard to recruitment of the public services in India such functions as might be assigned thereto by the Secretary of State. Before that direction had been carried out, even so far as to appoint a Commission, the whole subject of recruitment was delegated to Local Governments subject to a reservation which did not leave any power in the hands of the Public Service Commission.

89. This rule appears to me to be very unsatisfactory for reasons quite independent of the Public Service Commission. It is also entirely inconsistent with the Report of the Royal Commission on the Superior Civil Services. I believe its revision has been under consideration for two years and for that reason I do not criticise its provisions. It deserves notice, however, from another point of view. It is often argued that the grant to the Public Service Commission of powers in relation to the provincial services would be inconsistent with that local autonomy which it was the object of the Government of India Act, 1919, to secure. I think the argument is a bad one because at the moment when Parliament was conferring that measure of local autonomy, it limited it by a provision which contemplated the grant of independent powers of recruitment and control to the Public Service Commission. Such validity, as it possesses, seems to me to be completely destroyed by the fact that by the present rule the Secretary of State has imposed a substantial restriction on local autonomy. In my view it is more an infringement of local autonomy to divest a Local Government of the control of recruitment to the public services than it is to divest them of control over the decisions of the High Court. In each case this non-interference is necessary on public grounds.

90. The question really at issue appears to me to be not a question between Local and Central Government, since in either case Government should have little or nothing to do with the matter. I think the sole question to be answered is whether recruitment and control of the provincial public services is best secured by a central or a local body or partly by one and partly by the other.

91. It may, perhaps, be assumed that a Local Public Service Commission would within the sphere of the Local Government be charged with the same duties as are assigned to the Public Service Commission in connection with the All-India Services. These are mainly: —

(1) Recruitment (*a*) by examination.
(*b*) by selection.
(2) Disciplinary functions.
(3) General advice on service questions.

92. A Local Public Service Commission could scarcely consist of more than three persons and these persons, or some of them would, for the adequate discharge of their duties, need the following qualifications: —

(i) An intimate knowledge of civil administration and the principles on which it is conducted. They must be men who "appreciate the vital and intimate relationship which should exist between the "State and its Servants" (Royal Commission Report, paragraph 26).
(ii) High judicial or other legal qualifications.
(iii) Detachment from all political associations.

(iv) An intimate acquaintance with educational conditions in India.
(v) A capacity to conduct and organise examinations.
(vi) A knowledge (not necessarily profound) of most subjects which are taught in Indian Universities.

93. Furthermore, in the somewhat unfortunate conditions which prevail in India, they must if they are to secure public confidence :—

(1) contain representatives of two or perhaps more rival communities,
(2) be fairly representative of the different interests which are affected, e.g. different services,
(3) be men of seniority and standing,
(4) have nothing to hope or fear from any Government,
(5) receive salaries sufficient in amount to attract candidates from other remunerative occupations,
(6) be men who, if already employed in Government service, can be spared from the occupations in which they are at present engaged (a matter of no small difficulty in India).

94. It is difficult to speak with any confidence as to the amount of work which in a province such a body would have to discharge : but it is my belief based on my experience of similar work for the last eighteen months that these costly officers who would have to be provided with a somewhat costly staff would never have sufficient work to do to employ them for any large proportion of the year. In the smaller provinces the appointments would almost degenerate into costly sinecures. The Civil Service Commissioners in London dealt in 1927 with 16.540 appointments. I doubt whether even in a large province of India the number of appointments would amount to five per cent. of that total.

95. Having had special occasion to investigate the question, I am very doubtful whether it is possible to secure for Local Governments a sufficient supply of men possessing the very unusual qualifications required to fill these offices. It is difficult in a Commission of five members. It would be still more difficult in a Commission of three. The point of continuity is also of great importance. A commission must acquire its experience and the combined effect of retirements and leave make it necessary to recruit at frequent intervals for a post which it is very difficult to fill. It would seldom happen that a majority of the Commission had any prolonged experience of its very special and technical work. Among the qualifications which it would be difficult to secure I should specially mention the qualification of detachment. The official world of a province is a very small world and any one of sufficient prominence to be appointed to such a post is probably affected by many affiliations, to causes, creeds and even persons which would shake public confidence in his impartiality. I am much afraid that these appointments would fall into the hands of persons for whom it was impossible to find other employment, pensioners who desired to increase their pensions, persons who had been useful to Government and persons whose activities it was desirable to neutralise. In short, I fear that the appointment of the very persons whose duty it was to secure the freedom of the public service from political influence would become an occasion for the most undesirable exercises of that influence.

96. I should like to deal in turn with the various functions I have mentioned.

The conduct of examinations.—It is not generally realised how much skill and special knowledge is involved in the conduct of examinations, (*a*) in the selection of the subjects for examination, (*b*) in the appointment of examiners. The Public Service Commission are gradually forming a list of examiners, and acquiring experience of examiners. It by no means follows that because a man is fully acquainted with a certain subject he is therefore a good examiner. Examiners frequently set bad papers, are careless in correcting them, cannot be trusted to add up marks correctly, set questions which it is impossible to answer, or cannot be trusted to correct their papers within the proper time. The Public Service Commission conduct a very large number of examinations and are acquiring the capacity to select the best examiners. A local commission ought generally and perhaps always to select its examiners from outside the province : and it cannot possibly acquire sufficient experience on this subject. (*c*) In the examination of examination papers. A very large proportion of the examination papers set by examiners require correction before they are finally issued to examinees. Sometimes questions are ambiguous ; sometimes they are outside the prescribed syllabus ; sometimes they do not sufficiently cover the ground ; sometimes they contain obvious errors. Every paper has to be examined with great care by some one who has sufficient acquaintance with the subject to correct deficiencies of this character. It is difficult, on a Commission of three, to find sufficient knowledge for this purpose. (*d*) In the ultimate adjustment of marks. No examining body can safely accept the marks awarded by examiners, without considering what relation they bear to the marks awarded by other examiners. If, for instance, the marks awarded in subject A are 20 per cent. of the total and those awarded in subject B 90 per cent. of the total, it is necessary to determine whether the difference is due to a difference in the standard of marking or to the fact that the candidates in subject A were exceptionally bad and those in subject B exceptionally good. In the former case an adjustment of marks is necessary. The question whether an adjustment is required and what shall be the nature of the adjustment is one of the greatest difficulty, involving great skill and experience, which a Local Commission can with difficulty acquire. (*e*) The revision from time to time of the syllabus, etc., should be based on a very wide experience based on a close study of a large number of past results. A Local Commission can acquire no such experience.

I was very much struck on my arrival in India with the haphazard way in which examinations were conducted : and I have no hesitation in saying that where recruitment is by examination the Public Service Commission can as the result of their wide experience recruit far more successfully than a Local Commission. In another part of this Memorandum I have called attention to the importance of associating Provincial Service Examinations with Imperial Service Examinations.

97. *Recruitment by selection.*—In my view this method of recruitment should almost be confined to specialist appointments. The rules of the Government of India on the subject prescribe a permanent Board of Selection : and if Local Service Commissions are established that Board would presumably be the Local Commission. I do not think selection can be made adequately by such a Board. On the Public Service Commission there are five members of varied qualifications and they are greatly assisted by the advice of departmental officers. In practice the selection is usually made by a Committee of three, assisted by the Departmental Officer, and I think, the result is usually satisfactory. But if the Committee of three always had to be the same Committee of three, I think the result would be unsatisfactory, since the Committee would often contain no person who was from his special knowledge in a position to form an opinion on the subject.

I am of opinion that for specialist selections it would in the area of Local Governments be almost essential to set up specialist selection boards.

98. I should add that I have never yet encountered a person who was confident that a permanent local selection board could permanently remain immune from political and communal influences. In my experience Governments do not hesitate to press the claims of candidates they favour : and in the small

community of a Local Government it requires considerable strength of mind to resist Government pressure.

99. I think it is quite clear that the Public Service Commission cannot undertake the task of selecting persons for all the appointments to be made by selection throughout India. I do think they can exercise a general supervision over these appointments. I prefer with some modifications the solution put forward in paragraph 26 of the Report on the Royal Commission on the Superior Civil Services. I think in every province there should be a full-time officer specially charged with the consideration of service matters. He should be the liaison officer between the Public Service Commission and the Local Government. It should be his duty to set up selection committees and usually to act as their Chairman: but the Public Service Commission should be entitled to decide their composition, and, when convenient, to send members to attend them.

100. *Disciplinary powers.*—There is at present an elaborate system whereby the Public Service Commission is consulted on the exercise of disciplinary powers as regards the All-India Services. The need of those services for protection of this kind is not very great and only arises in exceptional cases. I can only recall one case in which in my opinion a member of an All-India Service was treated with gross injustice and I believe that injustice would ultimately have been remedied if the Public Service Commission had never existed. On the other hand I think the Provincial Services are in very great need of protection against unjust treatment. Cases of this kind do not come before me officially and I cannot quote instances in support of my view, but I do not think the fact would be denied by any one familiar with provincial service conditions.

101. The rules governing appeals by Provincial Service officers are at present, I believe, under consideration; and I can only deal with the latest information I possess on the subject. At present a provincial civil servant who feels aggrieved by disciplinary action taken against him can appeal if he is on the reserved side from the Governor in Council to the Governor, and, if he is on the transferred side, from the Governor and his Minister to the Governor. In practice I understand these disciplinary orders are not in the first instance made at a meeting of the Council or of the Governor and Ministers, as the case may be. They are decided by the Member of Council or Minister in charge of the department and the Governor: and the Governor necessarily takes a special interest in the matter because by his instrument of instructions he is specially charged to safeguard all members of the services and to order all things justly and reasonably in their regard. Consequently the existing appeal is from a Governor and a Member of Council or a Minister who have already given their verdict on the matter to the Governor himself. It is a contradiction of everything which an appeal ought to be: it is an appeal from the verdict of two men to one of those men: from an order of the Executive Government to the head of that executive. There has been correspondence with Local Governments on this subject, and the most that can be said in favour of the appeal is that it is not entirely illusory and that in very rare cases such an appeal may be successful. Governors, of course, desire to do justice, and they do it to the best of their ability, whether they act in Council or as individuals. The fact, however, is that a Governor must necessarily rely to a great extent on the advice of his advisers, and it is quite impossible for him to study all the details of the often complicated discipline cases which come before him. It is also almost inevitable that he should be predisposed as an individual to confirm the verdict which he gave when sitting in Council. The present system of appeal appears to me so absurd and so contrary to justice that I should prefer to see it abolished even if nothing were to take its place. I think it puts an unfair responsibility on the Governor, since it requires him to undertake a duty which it is almost impossible for him to discharge. In a recent case disciplinary action was taken against an officer under the orders of the Governor in Council. The Governor in Council had omitted to notice an obscure piece of paper which almost conclusively disproved some of the findings. The matter came before the Public Service Commission who were able after great research to bring the true facts to light. If the appeal had gone to the Governor, the Governor could not reasonably be expected to discover a document, trivial in itself, but decisive in the light which it threw on the facts, which had escaped the attention of his own Departmental officers, whose duty it was to make a full investigation.

102. I think that an officer of the Provincial Service should have the same opportunity of laying his case before a Service Commission as is afforded to the officer of an All-India Service. It is unlikely in any case that some of the provinces will desire to set up Local Service Commissions on the ground of expense: and in provinces which have no Local Commissions it would appear necessary that any appeal should be handled by the Public Service Commission, directly or indirectly. I am of opinion that even in provinces which set up Local Service Commissions it is desirable that some powers should be reserved to the Public Service Commission, and in support of this view I would again revert to the fact that a Local Service Commission is necessarily local and however anxious it may be to do justice, is greatly affected by the local conditions in which it lives. It may easily happen that it may itself be conscious that it is not the best tribunal to deal with some of the cases which come before it. Unless in disciplinary matters a Local Commission commands general confidence it is worse than useless.

103. I am not in favour of Local Service Commissions: and if they are not established, the procedure I would suggest is that discipline cases should primarily be referred to the liaison officer whose appointment I have advocated in connection with the appointments by selection. Under general or special instructions from the Public Service Commission he would decide in what manner disciplinary cases should be handled. In cases of special difficulty the Public Service Commission could take charge themselves. If, however, Local Service Commissions are set up, I would suggest that the officer affected should have a right to request that his case should be handled not by the Local Service Commission but by the Public Service Commission. That request would be transmitted to the Public Service Commission by the Local Service Commission, and the Public Service Commission could consider whether there was sufficient ground for granting the request. I think also the Local Government should have initial power to order that a case should be referred to the Public Service Commission.

104. *General Service Questions.*—It is contemplated that Local Service Commissions should tender advice to Local Governments on these subjects. On that point I would observe, firstly, that, while admitting that there are many reasons for diversity as between different provinces, there are many advantages in uniformity, so far as uniformity is possible having regard to difference in conditions. Unnecessary variations in the conditions of service in different provinces give rise to incessant agitation for a revision of service conditions so as to put them on a par with the most favourable conditions prevailing in any province. The point is very familiar in English experience, where the discrepancies between particular areas gave rise to such confusion and inconvenience as to necessitate a national settlement.

Secondly, many service questions are very technical and complicated and require a wide experience for their proper solution. In this connection I would mention the question of pensions which I have had special occasion to study. It is very easy for a body equipped with insufficient knowledge of this subject to make mistakes which prove to be almost

irretrievable. On both these grounds, it seems to me highly desirable that the Public Service Commission should be in a position to give advice, since it should acquire a wider knowledge than any local body can acquire. I would suggest that the proper machinery would be for the Public Service Commission to study the problems which arise through the medium of local committees. The local committees could apply their knowledge of local conditions while the Commission could give the assistance of its general experience.

105. Before I conclude this subject, I should mention two points. First, the importance of the Provincial Services is being greatly increased owing to the disappearance of the Imperial Services in the transferred branches of administration. The future efficiency of the education of India will depend on the establishment of a proper system of recruitment for the provincial educational services. Secondly, I desire to point out what in my view is the true meaning of the common objection that the grant of powers to the Public Service Commission in the provinces would be resented as interfering with local autonomy. I think the resentment would be confined to Local Governments who naturally dislike any derogation from their absolute powers. I have no reason to suppose it extends any further. In fact I have reason to believe that people at large in the provinces would prefer a system of recruitment untainted by Government patronage and that the services themselves have reason to be apprehensive as to their position under the present system and would prefer an arrangement whereby their cases could be considered by a tribunal which, owing to its detachment, is necessarily impartial.

INDIANISATION.

106. Indianisation is a fact, and it has been fact long enough to enable tentative conclusions to be reached as to its success. Recruits, whether Indian or English, are brought into the services in their early twenties, and at this stage the process is purely experimental. The real testing time comes 15 or 20 years later when the recruits have risen to positions of responsibility, and it is only then that it is possible to say with any confidence that the system of recruitment has been a success. Indians have been serving in the public services now for a long enough period to enable some fairly sound deductions to be made. Experience should have shown for what posts they are specially fitted. On that point I can express no opinion.

107. Neither am I in a position to deal with the political aspects of the matter, nor the basis on which Indianisation should proceed. Should an Indian be employed in preference to an Englishman whenever a suitable Indian is available ? Or should he only be employed where he is likely to serve the country better ? Or should he be employed wherever it can be done without grave loss of efficiency ? These questions lie outside my province. As a recruiting officer, however, I should say that the present system of Indianisation is unfavourable to successful recruitment. The practice is to ordain that a certain proportion of Indians should be recruited to a service. This inevitably means that sometimes it is necessary to reject Indians who would make good public servants and sometimes it is necessary to accept Indians who are unlikely to do so. I could give instances within my experience of both cases. Regarding the matter merely as a recruiting officer I should like to make no distinctions based on nationality or religion.

108. I think the question which I should answer may be put as follows :—

Assuming that Indians in the past have been successful recruits to the public services, how many Indians of a similar or better type are available ? Or to put it in another way, if there were no political or other obstacles to complete Indianisation, would it be possible to find a sufficient supply of well qualified Indians to man the public services ?

Subject to qualifications which I will presently mention, my answer to the first of these questions is " As many as are wanted," and to the second " Yes." In other words, if the Public Service Commission were instructed to recruit the I.C.S. or any other Service entirely from Indians, I do not think it would have any difficulty in doing so or in providing an adequate supply of suitable candidates not inferior to the Indians at present in the public service. This is subject to the following qualifications :—

(i) Recruitment is always a speculation. The object is to discover from among young men of 22 or 23 men who will do from 25 to 35 years of good service. It is, of course, often the case that the promising youth of 22 or 23 is the failure of 40 or 45. The recruiting officer can only look at the material before him in the hope that its qualities will endure. From this point of view my opinion is that the material is excellent and sufficient in quality to satisfy any claims that are made upon it. The best Indian candidates for the public services are men of a high order of intelligence, excellent physique, good at games and afford a promise of becoming first rate public servants. There is a common belief that the Indian who succeeds in examinations for the public service is the Indian without physical or mental endowments other than a power to cram text-books quickly. Having seen many hundreds of candidates I have not yet encountered this type. So far as suitability for the public service can be judged at the age of 22 or 23, I see little or nothing to choose between the English and the Indian candidate. I should again, however, emphasise the point that as to the durability of the candidates, I have no experience sufficient to justify me in expressing an opinion.

(ii) I regard it as absolutely essential in the case of administrative posts, such as the Indian Civil Service and desirable in the case of many other posts, that the successful Indian candidate should spend before or after selection a considerable period, generally three years, in Europe, preferably in England at a residential English University. The Public Service Commission have made suggestions to this effect and I will not enlarge on the subject.

The first reason why I advocate this is the limited horizon, intellectual and cultural, within which many Indians live. The crowded state of the schools and universities is unfavourable to personal contact between teacher and taught, and the student often passes through his course without ever having any close contact with a first-rate mind. I have no doubt as to the really remarkable intelligence of many Indian students. It is often pitiful to see that they have no scope for its exercise. The second reason is that an attempt is being made to govern India according to Western ideas and it is essential that the public servant of India should be able to study those ideas on the spot.

In connection with technical and scientific or semi-scientific appointments, I deprecate any system whereby officers who are to hold important posts of this nature are compelled to rely solely on their Indian knowledge and experience, without having had any opportunities of studying the practice and problems of other countries. It is in some departments becoming increasingly difficult for Indians who have acquired European experience to obtain appointments in India. It appears to me inevitable that if the technical and scientific

appointments in India are confined to officers of solely Indian experience, India will fall far behind the rest of the world in these matters.

I should like also to emphasise the importance of doing everything that can be done for the Indian officer studying in England. If the English are to be an imperial people they must recognise their imperial responsibilities. I am not very familiar with this question, but from all I have heard I have reason to suppose that there is room for improvement in this respect.

(iii) I have not visited Burma, but such information as I possess leads me to doubt whether it is possible to staff the public services in Burma at present effectively with Burmese. The policy of Burma for the Burmans is established and the question of employing Indians does not arise.

(iv) There are certain services in which my general proposition is not true, not owing to the non-existence of persons who are suitable for those services, but owing to the unwillingness of Indians to serve. There is a scarcity of suitable recruits both for the Forest Service and the Police, in both cases I believe because the conditions of service are not attractive to the Indian.

The subject deserves further inquiry. I am not without hopes that the difficulties which even at present are not overwhelming may be surmounted.

(v) In cases where the Public Service Commission are enjoined to appoint candidates on communal grounds, there is sometimes a difficulty in finding a suitable candidate. With regard to Muslims the difficulty is not generally very serious, and though it is not easy to judge, I am under the impression that the quality of Muslim candidates is rapidly improving. The difficulty is much more serious with the Sikhs and the Anglo-Indians.

(vi) There is often great difficulty in securing suitable Indian candidates for technical, scientific and engineering appointments, and here I am referring mainly to appointments made as the result of selection and not by examination. It is usually possible to secure a suitable Indian candidate for a purely scientific appointment if the subject is one which is studied at Indian Universities : but in cases where both practical and theoretical knowledge are necessary, it very often happens that one or the other is absent. In an administrative post a failure is generally partial ; in a technical post it is generally complete. I have seen cases in which a very large number of Indian candidates have applied for a technical post and in which the Commission have come to the conclusion that it would be a positive danger to the public security to appoint any of them. It is very common for candidates of this kind to have visited England and taken a scientific course at an English University or to have served as apprentices in some important engineering or electrical firm. I have been much puzzled to find that these candidates have often derived absolutely no technical benefit from their English experience. I am unable to explain the reason ; but I think the matter should be investigated in England.

CONCLUSION.

109. I should like in conclusion to state how important the problems with which the Public Service Commission is concerned are to the welfare of India. The public servant in India is able to an extent infinitely greater than in England to exercise an influence on the fortunes of the population. The preoccupation of educated India with service questions attains proportions which would be inconceivable in England. No measures which are devised for the good of Indians can in my opinion succeed unless they are administered by services whose recruitment is free from the taint of corruption or political influence, whose organisation is directed solely to the efficient achievement of the objects it is desired to secure, and whose traditions of faithful service, absolute impartiality, and unblemished integrity rival those which have prevailed for so many years in the Civil Service of England.

29th May, 1928.

(Sd.) W. R. BARKER.

APPENDIX A.

Letter from J. H. WISE, Esq., I.C.S., Secretary, Public Service Commission, to the Secretary to the Government of India, Home Department, No. F.-2128-S., Dated the 30th January, 1928.

SUBJECT :—*Constitution of a local Public Service Commission for the Presidency of Madras.*

I am directed to acknowledge the receipt of your letter No. F.-2861/27-Ests., dated the 30th December, 1927, on the subject of the constitution of a local Public Service Commission for the Presidency of Madras, and enclosing a copy of a bill which it is proposed to introduce in the Madras Legislative Council.

2. The Bill proposes to establish a local Service Commission unconnected with the Public Service Commission to deal with Provincial and Subordinate Services in the Presidency of Madras. So far as the Subordinate Services are concerned, the Public Service Commission are of opinion that their recruitment and control should be treated as matters outside their concern and the observations contained in the present letter are directed to the question of the provincial service. The effective recruitment and control of the Provincial Services has always been a matter of great importance for the efficient discharge of the duties of government and the constitutional changes inaugurated by the Government of India Act, 1919, have accentuated that importance inasmuch as in the transferred fields of administration, they involve the discharge by officers of the Provincial Services of duties which had hitherto been discharged by officers of the All-India Services. The first despatch on the Indian Constitutional Reforms, dated the 5th March, 1919 (paragraph 55), recognised the necessity of associating with the devolution of powers to Provincial Governments, provisions designed to secure the services from political influences and to prevent them from coming more and more under ministerial control. The Bill which it is proposed to introduce into the Madras Legislative Council represents a particular method of securing these ends. Its importance is not limited to Madras, since it is proposed to make a general rule under Section 96-B (2) of the Government of India Act enabling other provinces to adopt the same solution. Even apart from any general rule on the subject it is plain that there could be little ground for rejecting in other provinces a proposal which had been approved for the Presidency of Madras.

3. Whatever view may be taken of the solution of the question proposed in the Bill, it is clear that it is not a solution which was in the contemplation of Parliament when it passed the Government of India Act, 1919. That Act (Section 38) directed the establishment of one Public Service Commission to discharge, in regard to the recruitment and control of the public services in India, such functions as might be assigned thereto by rules made by the Secretary of State in Council. The section is not limited to the All-India and Central Services and the despatch on Indian Constitutional Reforms makes it clear that it was not the intention so to limit it.

Local Public Service Commissions were not contemplated. The Section represented an integral part of the scheme of constitutional reforms, and was regarded as necessary for their efficient working.

4. The proposed Bill, so far as the Presidency of Madras is concerned, permanently deprives the Secretary of State in Council of the power committed to him by Parliament of assigning duties to the Public Service Commission in relation to the Provincial Services in Madras, and, so far as legislation can effect it, permanently dissociates the Public Service Commission from any connection with those services. The same results will follow throughout India in any Provinces which, in pursuance of the general rule it is proposed to make, adopt a similar Bill. The Commission submit that in a matter of such permanent and far-reaching importance the Statutory Commission should be consulted before a system is inaugurated which, whatever may be its merits, was outside the contemplation of Parliament when it passed the Government of India Act.

5. The Commission would not consider that the reasons they have assigned for referring the matter to the Statutory Commission would apply if the Bill were amended in such a way as to provide an effective link between the Public Service Commission and the local Commission. The Commission in fact realise that an All-India Body of limited size cannot hope to discharge personally the duty of recruiting candidates for all the Provincial Services. They consider, however, that as regards the Provincial Services there should be a link between the Public Service Commission and the Local Commission. While the Commission do not desire to dogmatise as to the exact nature of this link since they are of opinion that it may vary according to the circumstances of different provinces and the wishes of different Governments, they would point out that some important suggestions for a solution of the problem are contained in Chapter IV of the Report of the Royal Commission on the Superior Civil Services in India.

6. That Commission, while disclaiming any intention to intrude the Public Service Commission forcibly into the provincial field, definitely recommended that the Public Service Commission should be the final authority for determining in consultation with the Local Government the standards of qualification and the methods of examination for the Civil Services. They also felt confident that the Public Service Commission would in course of time become the recognised expert authority in India on all service questions. Paragraph 26 of their Report suggested that in order to give the Public Service Commission the necessary experience to enable them when invited to do so to assist Local Governments in dealing with problems of provincial administration the Chairmen of the Provincial Selection Boards should be full time paid officials appointed by the Governor in Council in consultation with the Public Service Commission.

7. In one respect at any rate the Public Service Commission do not desire to possess powers so wide as those which the Royal Commission would have assigned to them. They do not desire to determine standards of qualification, and methods of examination for the provincial civil services. They merely desire to possess a right to advise Local Governments on this subject. Neither do they attach great importance to the suggestion that the Chairman of the Provincial Selection Board should be appointed after consultation with them though later in this letter they deal with the method of his appointment. They consider, however, that he should be the link connecting the general experience of the Public Service Commission on service matters with the special knowledge which is necessary in order to deal effectively with Provincial matters.

8. It is not quite clear what the Royal Commission included in the phrase " standards of qualification " and methods of examination." Under these headings the Public Service Commission think that they should have a right to advise (*a*) what particular qualification, e.g. a Degree, should entitle a person to become a candidate for the service, (*b*) whether the method of recruitment should be by oral examination or interview or by written examination, (*c*) what the subjects of examination should be, and (*d*) what standard in those examinations should be required. They would not, of course, desire to advise as to any decision of the Local Government to make an appointment on communal grounds. The Commission are aware that power (*b*) is not at present exercised by them in relation to the All-India Services. They have, however, in fact been consulted by the Government of India on the subject, which is one on which their experience may often enable them to tender useful advice, though they realise that where provincial matters are involved, local considerations must carry great weight.

9. In order to give effect to these proposals the Commission would propose the following amendments to the Bill :—

After Clause 9 *insert a new Clause—*

Where it is proposed to recruit to any provincial service the Commission shall after consulting the Public Service Commission advise the Local Government—

(1) as to the method of recruitment,
(2) as to the qualification of candidates and the submission of applications, and
(3) where a written examination is held as to the syllabus and standard of the examination.

Any advice given by the Public Service Commission shall be communicated to the Local Government.

Omit Sub-clause (i) of Clause 10 and Sub-clause (i) of Clause 11.

10. With regard to other matters the Commission regard it as of importance from the point of view of the interests of the services that a Service Commission should be absolutely free from any local influences. The members of the Public Service Commission are appointed and can only be removed by the Secretary of State for India and on this analogy the Commission think that it would be better if the members of the Madras Services Commission were appointed and removed by the Governor-General in Council.

11. On matters of detail the Commission see no reason why Clause 11 should be confined to recruitment for provincial or subordinate services and should not extend to special posts. They also think that the words " arranged in the order of preference " should be added after the word " appointment " at the end of the first sentence of sub-clause (iv).

In Clause 12 (iii) the Commission would suggest the omission of the words " if so required by the " Local Government." They do not occur in Clause 6 of the Public Service Commission (Functions) Rules, 1926 ; and if the Commission have several candidates before them it appears to be an undue limitation of their functions not to allow them to say which is best.

12. With regard to the disciplinary matters governed by Chapter V, the Commission are of opinion that the Local Government should have power to refer cases arising under Clauses 15 and 16 to the Public Service Commission instead of to the Madras Service Commission. They do not contemplate that this power would often be exercised, but cases may arise in which it would be embarrassing to refer a case to a Commission with local associations. This could be effected by adding at the end of Clause 15 the words " or in which they have " consulted the Public Service Commission."

13. Finally the Public Service Commission observe that Clauses 10 and 11 of the Bill make it obligatory that the holding of examinations and the selection of candidates otherwise than by examination for the Provincial services shall be conducted in all circumstances by the Madras Service Commission, consequently the local Government will be debarred from inviting the assistance of the Public Service Commission in those directions and to that extent,

the provisions of Rule 9 of the Public Service Commission (Functions) Rules will become nugatory. The Commission would accordingly suggest the insertion of a clause in the Bill to the effect that, notwithstanding anything contained in Clauses 10 and 11, the local Government may, if they so desire, after considering the observations of the Madras Services Commission, invite the Public Service Commission instead of the Madras Service Commission to exercise the functions therein described.

14. You point out in your letter under reply that the enactment of the Bill under consideration would be *ultra vires* of the local legislature in the absence of an authorisation conferred by rule made by the Secretary of State under Section 96 B (2) of the Government of India Act, and you ask for the views of the Public Service Commission on the provisions which such a rule should include and the form it should take. I am to say that in the opinion of the Commission it would be advisable that such a rule should go no further than to state the point on which restrictions should be placed on the freedom of the local legislatures to make laws constituting a local Services Commission. In this view they would suggest that the rule should be in a form approximately as follows :—

The legislature of a governor's province may make laws constituting a local Services Commission, provided that—

(1) no such law shall provide for the appointment, or removal, of the members of such Commission by any authority lower than the Governor-General in Council ;

(2) no such Commission shall be empowered to advise the local government in relation to provincial centres (other than subordinate services and special posts, on methods of recruitment, standards of qualification and the syllabus or standards of examination without prior consultation with the Public Service Commission whose advice shall be communicated to the local Government by the local Services Commission ;

(3) no such Commission shall without the general or special permission of the Governor-General in Council be empowered to exercise functions in connection with any person in the Civil Service of the Crown other than a member of a provincial or subordinate service or the holder of a special post under the administrative control of the local Government, and

(4) no such law and no rules made under any such law shall contain any provisions inconsistent with any rules made by the Secretary of State in Council under Section 96 B (2) of the Government of India Act.

With regard to the proviso stated in (4) above, it is in the view of the Public Service Commission important that any local Act and any rules made thereunder shall not operate to conflict with the Civil Services (Classification, Control and Appeal) Rules, which are understood to be under the consideration of the Secretary of State in Council, and it would be advisable therefore that the issue of the rule at present contemplated and the introduction of the Bill in the local Legislative Council should await the issue of those rules.

15. Under directions from the Chairman in accordance with rule 24 of the (Functions) Rules, I am to forward a copy of a note of dissent recorded by Mr. A. H. Ley.

NOTE OF DISSENT BY MR. A. H. LEY, C.S.I., C.I.E., C.B.E.

I regret that I find it necessary to record my dissent from the views held by my colleagues regarding the Madras Services Commission Bill on two points. (1) In the first place I am not in favour of postponing the passage of this Bill, even if it remains unaltered, until the question of principle mentioned in the letter from the Public Service Commission has been considered by the Statutory Commission. It may be the case that the First Despatch on Indian Constitutional Reforms did not contemplate the establishment of local service commissions. It may be the case also that the Government of India Act itself did not contemplate their establishment. At the time when the Act was framed, however, I imagine that no one could foresee precisely how the theory of provincial autonomy would develop itself in detail. There is nothing in my view which renders the establishment of local commissions inconsistent with the Act, and, inasmuch as there are, in such a vast country as India with such varying conditions in the different provinces, obvious practical difficulties in the exercise of functions of recruitment for the provincial services by a central body, I am of opinion that the establishment of local commissions is in fact a natural and desirable development. It is for special reasons, in my view, desirable in the Madras Presidency, and I feel that delay in the establishment of such a commission, even though there may be no statutory link between it and the Public Service Commission, would be against the interests of the provincial services and of provincial administration as a whole. There is no reason to suppose that there will not in practice be a liaison between the local body and the central body. Free consultation will be possible, but it does not follow that the link between the two bodies must necessarily be statutory. I must not be understood to mean that I am not inclined to favour the introduction of amendments to the Bill which will establish some connection, but only that I would rather have the Bill passed as it stands than wait until after the Statutory Commission has reported. (2) In the second place while I am not prepared to dissent from most of the amendments suggested by my colleagues, I am not in agreement with them on one specific point. My colleagues propose that it should be obligatory on the local Government to consult the Public Service Commission through the local Services Commission on the *method of recruitment* of the provincial services, e.g. whether recruitment should be by competitive examination or by selection. I disagree for the following reasons :—

(*a*) The proposal would impose on the local Government an obligation in respect of the provincial services which is not imposed on the Government of India in respect of the All-India and Central Services. The Public Service Commission (Functions) Rules do not prescribe that the Public Service Commission shall necessarily be consulted on the point whether a particular service shall be recruited by competitive examination or by selection ; they merely prescribe the functions which the Public Service Commission shall exercise, when once this point of policy has been determined. The determination of the policy is a matter which it may be unnecessary to refer to the Public Service Commission, and I think it undesirable to make such a reference obligatory.

(*b*) I doubt whether the Public Service Commission will be in a very good position to advise on the point in so far as it concerns the provincial services. The determination of the policy depends on various considerations, in which local conditions, unfamiliar to a central body, play an important part.

(*c*) The proposal made by my colleagues makes it obligatory on the local Government to consider the opinions not only of the Public Service Commission, but also of the Madras Services Commission on this matter, thus going beyond what the Madras Government have contemplated even with reference to the local commission. I think this is undesirable.

For these reasons I would not impose on the local Government the obligation of consulting any Commission, whether local or central on the question of the method of recruitment of the services. It will always be open to the local Government, if they so desire, to invite the opinion of the Public Service Commission on such matters. That option is recognised in the Public Service Commission (Functions) Rules, and is in my view sufficient.

2. I request that my dissent as expressed in this note be forwarded to the Government of India.

LUCKNOW.

Dated, 1st December, 1928.

Morning.

PRESENT:

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND) AND OF THE UNITED PROVINCES PROVINCIAL COMMITTEE.

Sir IVO ELLIOTT, Bart., I.C.S., Secretary, Local Self-Government, Government of the United Provinces.

1. *The Chairman*: Sir Ivo Elliott, I think you are Secretary to Government in the Local Self-Government department, are not you ?—Yes.

2. Speaking substantially, are the subjects which fall within your duty transferred subjects ?—They are almost all transferred subjects.

3. Do they fall under the direction of one minister, or are there parts of your work which fall under different ministers ?—They fall under different ministers. Local government work and public health are in the portfolio of one minister.

4. No doubt the minister for Local Self-Government ?—Yes. The medical department is in the charge of another minister, the minister for Agriculture. There is a small branch (it is not a separate department) which deals with improvement trusts and is in the portfolio of the minister of Education.

5. I imagine, of course, that the precise distribution is a matter of internal organisation and can be changed without any external authority ?—Yes.

6. In substance, as it seems to me, one might say that the departments for which you are head of the secretariat correspond to what in the West we might call the department of Public Health ?—I understand it is much the same as the Ministry of Health in England.

7. Yes. To get the range of the thing quite clear, education, I think, does not come in your secretariat ?—No, no aspect of it, either financial or administrative.

8. Do you regard it as a convenient or an inconvenient arrangement, from the point of view of efficient administration, that the range of your own work should be such that you touch different Ministerial chiefs ?—From my personal point of view, I regard it as an advantage.

* * * * * * * * *

13. *The Chairman*: I suppose one may safely say that in making a survey of the development of representative institutions one must give principal attention to the municipal boards and district boards, so far as local self-government is concerned ?—Yes.

14. The Conference will appreciate that I use the expression "development of representative institu-" tions" because that is the expression in section 84A of the Government of India Act. I should like to ask two or three questions about municipal boards. I see on page 442* (bottom of the page) that the governing Statute is the United Provinces Municipalities Act of 1916 ?—Yes.

15. Do I understand rightly that as a result of that Act the system came into force of non-official, elected chairmen and the constitution of municipal bodies on the basis of an elected majority ?—Generally speaking, yes. There were non-official chairmen before, but the 1916 Act introduced a general system by which, save in exceptional circumstances and exceptional cases, the chairmen of municipal boards were non-officials. It also laid down entirely new principles for their executive agency and for the constitution of the boards.

16. Let us deal with the constitution first, before we come to the chairmen. One finds it set out in some detail about page 444*. There is a little table at the middle of page 445* which shows, apparently, that there are no less than 85 self-governing municipalities ?—Yes.

17. A very large number ?—They vary very much in population. They range, roughly, from towns of 6,000 inhabitants to the big cities with quarter of a million. They are all included in that general term of municipality.

18. I have read elsewhere in this book, I recall, that you have in the United Provinces no less than six or seven cities with a population of 100,000 or over ?—Yes.

19. Out of the 85 self-governing municipalities, 75 have got elected chairmen; the other ten, for one reason or another, have not. Coming to the members, you find the vast preponderance of the members are elected members ?—Yes.

20. What is the nominated element in these self-governing municipalities at present ?—The number of the nominated members may be as large as seven in the case of very large cities, but is ordinarily two in the average municipality. In the case of all the municipalities the Government can nominate two members, and the balance in certain municipalities is made up by the use of nominating bodies, in particular the local chambers of commerce.

21. I see. Is the Government's power of nomination to municipalities in practice used for securing the representation of any particular element which might otherwise go unrepresented ?—Yes, one of the two Government nominees is a representative of the depressed classes. That is not a statutory obligation on Government, but Government are pledged to give representation to the depressed classes.

22. And it is the practice ?—Yes.

23. One other point. On that same page, I see that for these municipal bodies the system is one of separate electorates for Muhammadans ?—Yes.

24. And also weightage in favour of the Muhammadan population ?—Yes.

25. Still keeping for the moment to municipalities, I would call attention to page 488*, where you set out * * * the principal functions which the municipalities in fact undertake: "street-lighting, "cleaning and watering of roads, general conservancy, "vaccination, public health work, medical relief, "markets and slaughter-houses, arboriculture and "gardens, construction and maintenance of roads "and other public works, and education." We can leave out education for the moment, because it is not in your department. The omission which strikes one on reading that is water-supply ?—The reason for that is probably that on another page the question of water-supply is dealt with and described.

26. Page 456* ?—Yes.

27. Let us look at that for a moment. I think it is rather striking ?—Organised waterworks are confined to a very few of these 85 municipalities.

28. That is what I wanted to see. Look at page 456*. It says there: "The attitude of the urban "public and its representatives on the boards to-"wards the policy of water-supply is to-day funda-"mentally different from that which led to riots at "Benares towards the close of the last century." That, I imagine, was due to a scruple on religious grounds ?—Yes, in the case of Benares.

* Vol. IX.

29. It goes on: " But, even to-day the number of " towns with a water-supply system (viz. fifteen " including three which have adopted it since 1921) " is a very small proportion not only of the total " number of towns in the provinces but even of " municipalities." I read in this book that in these municipalities you have three million people ?—Yes.

30. As we have been told, there are 85 municipalities, but at present a water-supply system is to be found, apparently, in 15 only ?—Yes.

31. Then you go on dealing with it, and there is some rather disturbing matter at the bottom of that page: " In Benares there is no reliable plan of the " distribution system and out of the twelve thousand " odd unmetred connections nothing is known of more " than two-thirds except that they exist " ?—That is the fact at present.

32. It must be extremely difficult to gather the water-rate, then ?—It is.

33. On the other hand, I think one ought, if one wants a perfectly fair picture, to turn to page 457*, where there is a very encouraging statement about electric street-lighting: " In the matter of electric " street-lighting these provinces have recently made " rapid progress. Including six towns which adopted " electric lighting since January 1, 1921, there are " at present eleven, the lighting arrangements of " which are satisfactory." Can you tell us in a sentence or two what you think would be a fair view on those two matters, the progress that has been made on the one hand in regard to water-supply and on the other in regard to electric lighting ?—The progress is not really more rapid in electric lighting than in water-supply. In both cases the Government are taking an active part in encouraging boards to have electric light and waterworks. We have recently turned our attention to the towns of moderate size, between 20,000 and 40,000 population. We have put schemes before them for their consideration, giving them a general idea of how they might have waterworks and how they might finance them. Several towns have, without the stimulus from Government, themselves proposed the establishment of waterworks. The difficulty has been a financial difficulty. It is more generally understood, I think, by the population that they should pay for electric light than that they should pay for water. There is no particular objection to paying a special charge for electric light supplied by the municipality, and consequently the electric light schemes finance themselves from the very beginning. The Government provides a loan, and there is no real financial obstacle to the introduction of those schemes. The introduction of a waterworks system is obstructed by the difficulty of having to impose a water-rate; they have to realise by taxation some kind of return for the charges on capital expenditure and the maintenance charges of the waterworks. That results in the fact that no proposal comes up to the Government from a municipal board for waterworks which does not ask for a grant of, as a rule, half the capital cost of establishing the waterworks. It is not always financially possible to make that grant, and consequently the actual progress in the development of waterworks is slower than it is likely to be in the case of electric light works.

34. I see. You have mentioned the financial difficulty. So far as regards assistance from provincial funds for capital expenditure like the establishment of waterworks, or of other capital works, is it customary in this province to grant from provincial funds a substantial percentage of the cost ?—No, there is no definite percentage. I could hardly say there was a customary percentage.

35. The Government does try to help, does it ?—The Government tries to help.

36. Let us pass for a moment from the capital expenditure in municipalities to the current expenses. I read at the bottom of page 450* a very striking thing, namely, that as far as municipalities go grants-in-aid from provincial revenue are almost negligible ?—Yes.

37. On the other hand, in the district boards I gather you get a very large percentage, altogether something like 40 per cent. ?—Yes. That is explained, I think, in the memorandum by the different nature of the functions of the municipalities and of the district boards.

38. I do not entirely understand it. The municipalities have got their duties in regard to education as well as the district boards, have they not ?—Part of the educational work inside a municipality is in charge of the district board.

39. Now I do not want to delay, because others have questions to put, and we are only just clarifying and picking out things, having studied this document and digested it; but on page 473* there is a passage headed "Conclusions as far as the municipal boards are concerned." It begins by dealing with some of the larger municipalities; it speaks, for example, of the good position held by Cawnpore owing to good administration, and refers also to some other large municipalities. Then it goes on to deal with the smaller municipalities in para. 325, and the conclusion in para. 326 on page 474* is what one would expect, that the majority may be regarded as lying between the best and the worst, as majorities usually do ?—Yes.

40. And I see you say that it shows that there is at any rate something in which the East is like the West: " The average board, while desirous of " progress, is not equally desirous of paying for it " ?—Yes. That I have explained in the case of the waterworks. We hope by our waterworks proposal to test the boards' readiness to pay for their progress.

41. I will ask you about central control in a moment, but let us just take the next compartment, which is the district boards. I am passing immediately to page 481*, because I want a few corresponding facts. First of all, I read on page 481* that there are 48 district Boards ?—Yes.

42. May I put a point that strikes me rather ? Here you have 48 district boards and 85 municipalities; that is a total of 133 bodies. How far is the department at headquarters provided with a staff that can really survey the work of as many as 133 bodies ?—In my own personal opinion it is entirely inadequate to supervise sufficiently closely the affairs of so many bodies.

43. If we may have regard to the experience and the methods that prevail in some other parts of the world, local self-government and local responsibility are by no means inconsistent with the effective survey and the occasional control or stimulus of the central authority; I am sure you will agree about that ?—Yes.

44. One is interested to see how far, in the present system, the central department is really so organised that it can do that. You do not think you have a sufficient staff, I gather ?—I do not think the staff is sufficient.

45. Do you mind telling me who does it. I mean, of course, apart from the minister ?—The actual staff at headquarters consists of two officers under the minister, one secretary and one under-secretary, who is a member of the provincial service.

46. They are yourself and another gentleman ?—Yes, that is the headquarters staff.

47. Do you have a staff of inspectors ? what we should call local government inspectors ?—Not directly under the Ministry. The functions of inspection are exercised to some extent by the local district magistrates, and by the commissioners, who are in charge of the divisions. They supplement the headquarters staff in their general control of the boards.

48. Now just let me get the corresponding facts in connection with the district boards which I had

from you as regards the municipalities. It is convenient to know. I see that the Statute this time is the District Boards Act of 1922, is it not ?—Yes.

49. And without delaying to read it, my colleagues will notice that on page 481, paragraph 338*, the main features of the Act are set out, such as the complete disappearance of the official element including the district officer, elected non-official chairmen, relaxation of government control, and so forth. Those features, I may take it, are there carefully defined and set out ?—Yes.

50. The district boards, as I make out, deal with areas containing an enormous population, 94 per cent. of the whole population of the United Provinces ?—Yes. One district board deals with the affairs of 3,000,000 people. The ordinary district is some 1,700 square miles, with eight or nine hundred thousand people.

51. 42 millions of people spread over 48 districts ?—Yes.

52. Now just turn to page 481*. This seems to me to bring us to one of the central criticisms. You set out there this. You say that in the case of the district boards the board itself, chairman, vice-chairman, secretary and staff and so on, form the executive, and that the Act contemplates the whole board as an administrative unit. That strikes one as rather remarkable ?—The Act there differs from the Municipalities Act, and the executive powers are directly exercised by the district board. They do not do the executive work, but their decisions are in many cases executive decisions. In some cases the members have duties as inspecting officers themselves on behalf of the board. There has been a practice by which members have carried out work, have built small schools, have repaired unmetalled roads, directly, themselves, on behalf of the board. That practice of carrying out work we have found it necessary to stop. It has led to abuses.

53. What strikes one in thinking of it and contrasting it with municipalities, is this. For instance, contrast page 483* with page 448*. You point out on page 448 as regards municipalities, that municipalities can work through an executive officer ?—Yes.

54. Which one would have thought was the natural way. Is there nothing corresponding to that ?—There is no corresponding officer in the boards' service to whom certain functions and duties are definitely allotted by Statute. The powers of the executive officer in the municipalities are laid down by a schedule appended to the Municipalities Act. The District Boards Act is different in that respect.

55. Then to carry one's mind back to the old system, I should conceive that in the days when there was an *ex-officio* chairman of a district board, a collector or a deputy commissioner, the actual administration was much more concentrated in his own hands as chairman, and the members of the board over which he presided did not take as large a part as they do now ?—Yes, that was the case.

56. Then I suppose as long as you had the *ex-officio* chairman, he was in a very strong administrative position because he had got his own subordinates in the district who were always available ?—He had a a large and widely distributed revenue staff for the collection of the revenue who were available to inspect and to watch the execution of work that was nominally done for the district board.

57. Then when the transfer takes place, of greater responsibility and to a non-official, elected chairman, it seems to me off-hand that the newly constituted district board has a very difficult task thrown on it because it would appear to lose the services to the full extent of this well-organised official administrative body ?—That is the case, and the effect of that is seen in the difficulty, which the district boards find in getting their work done, and in making progress.

58. You had better just refer me to the pages which deal with the financial side of the district boards. I see there is a useful passage on page 486* ?—Page 492* deals with finance generally.

59. Just let us take page 486 as we go. You point out first of all that there is a local rate which, as you say, used to be 5 per cent. of the annual value of the estates ?—Yes.

60. If one was to assume that the land revenue is 50 per cent., that would mean, would it, that the addition is made by way of a surcharge—of a *centime additionel* ?—It is practically that.

61. Who collects the rates ?—It is collected by the revenue department of the Government, and is paid to the district board.

62. Apparently, then, it is a sort of 10 per cent. addition to the land revenue ?—Yes.

63. Then you go on to say: "even though the "new Act permits of its being raised up to 6½ per "cent. no board has yet enhanced it." I gather from something I have read that they could not go up to 6½ per cent. unless they also imposed some local burden on what you may call the industrial or professional classes ?—Yes. In paragraph 3 on page 487* you will see it contemplates this tax as a preliminary to an enhancement of the local rate.

64. I suppose the idea of that was that they ought not to put a further burden on the agricultural interests without getting some contribution from others ?—Yes.

65. Then just below, on page 486*, you say that governmental grants in 1918–19 aggregated 31 lakhs, which is equal to 25 per cent. of the total income, and by 1926–27 they rose to 87 lakhs, and accounted for 45 per cent. of the boards' total income ?—Yes.

66. It is very striking. Now would you just tell me this. In view of the fact that so large a proportion of the expenditure of district boards is met out of provincial money, is there an effective control exercised by those who make the grants-in-aid ?—The greater part of the Government grant consists of a grant for education, mainly for primary education. There is a control over educational expenditure exercised through inspectors of education, and in each district through a deputy inspector of education, who is a Government officer appointed to the district by Government, but is in the service, or in the employment, of the district boards. That system acts as an inspectorate for the educational portion of these grants-in-aid. So far as the grants-in-aid are devoted to medical purposes, there is a somewhat similar system of inspection, because the medical administration of the district is in the hands of a Government officer called the civil surgeon, who has the power of inspecting the local hospitals. He also both works for the board and yet is a Government officer. He is not under any disciplinary control by the board, but he carries out their work. Therefore for medical grants-in-aid there is a system of inspection, though it is admittedly imperfect, the reason being that the civil surgeon with a large hospital at a headquarters district has not the time to inspect the local hospitals out in the country. In the matter of roads, so far as they are under the district boards there is no inspectorate by Government, though a scheme of inspection is contemplated as part of a system by which larger grants-in-aid will be made more generally to the boards for the maintenance and improvement of their roads; but so far as grants-in-aid are at present made to the boards, there is no inspection of the way they use the money.

67. Lord Burnham would like to know, and so should I, what proportion of the road expenditure is provided by grants-in-aid ?—Under the existing system, which dates from 1914, there is no established percentage or no established method of grants-in-aid for roads. A few of the backward districts receive grants for their roads. There is no general system of grants-in-aid.

68. May I suggest that perhaps the figure will be

found on page 488*, the middle paragraph (paragraph 351), last line but three, " one-fourth of that " on roads was financed from grants made by Govern- " ment " ?—That is rather an illusory fraction, because in the case of many districts they receive no grants-in-aid at present for roads at all. That was the result of an elaborate system of grants which the Government introduced in 1914, which is now out of date, and which is about to be replaced. These grants are the relic of the financial system of 1914.

69. If I may just concentrate on the point which rather presses upon my whole mind at the moment, it would seem to me that while obviously some form of control and stimulus is necessary under any well-organised system of local self-government, there may be a good deal of difficulty in that control and stimulus as things are, taking the form of intervention at the suggestion of the collector or the commissioner. It may be—I do not know, but I can imagine, that the minister for Local Self-Government may feel that having started on a system of local self-governing institutions, the local bodies should, as far as possible, be encouraged to face their responsibilities themselves ; but if there is a system of grants-in-aid administered from head-quarters, I think some of us would rather have thought that it was perfectly right to use that method as a method of securing satisfactory administration by the different local bodies ?—It is certainly recognised that if grants-in-aid are given by Government, Government must see that they are properly expended, and they must therefore give greater attention to the inspection of work done with those grants-in-aid. An example of that is found in our new proposals, which are just being introduced, for the improvement of roads. Government have reclassified the roads, separating those roads which are under the district boards into roads which are of some general interest (as, for example, roads which connect one district headquarters with another) and roads which are of purely local interest. Government propose to give a grant-in-aid to the boards of half the cost of maintenance of the former roads, and the expenditure of that grant will be under the control of the district boards. Their officers and their staff will do the work, but the Government inspecting staff will examine the work afterwards and see if it has been properly done. We are now organising that grant-in-aid system in the case of roads, and the result will be organised inspection.

70. Who will do the inspection ?—That has not yet been decided ; probably the Public Works department staff.

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71. *Mr. Hartshorn* : On page 445* you say : " The 1916 Act contains no provision (corresponding " to that incorporated in the District Boards Act of " 1922) restricting the Government's power of nomi- " nation so as to enable a member of the backward " and depressed classes to be ordinarily selected." What does the 1922 Act provide in regard to the nomination of members of the depressed classes ?—The 1922 Act for district boards provides for a representative of the depressed classes ordinarily being one of the two nominated members. The older Act for the municipal boards does not provide that, as is said here, but the Government have given a pledge that they will ordinarily nominate a representative of the depressed classes if a suitable man is forthcoming. Since the pledge was given that has been kept constantly in mind, and when nominations have been made they have been made in accordance with that pledge.†

72. *Mr. Cadogan* : On the subject of external control, I see you say on page 452* : " If a board " persistently defaults in the performance of its " duties or exceeds or abuses its powers, Government " can dissolve or supersede it for a specified period." A little lower down the page you say : " In case of " default in performing a duty imposed by any " enactment, the local Government in the case of " a city, and the commissioner in other cases, can " fix a period for its performance." On pages 473* and 474* you give the record of the larger boards and the smaller boards, but I do not gather from that whether there has been frequent occasion to exercise that control ?—In only one case has Government called on a municipal board to explain why it should not be superseded. That is the larger power. In no case has this power actually been exercised in the case of municipal boards. I am not sure if I caught your question correctly.

73. The second part of my question was this. There is another form of control. On page 452* you say : " In case of default in performing a duty " imposed by any enactment, the local Government " in the case of a city, and the commissioner in other " cases, can fix a period for its performance." Has that ever been exercised ?—That has never come to the point of performance. The Government have on several occasions written to a board and pointed out that they were defaulting, that they were failing to carry out certain duties, and calling on them to perform those duties within a certain time. They have responded to that warning except in one case, and there, when the board did not respond, we had to take their explanation as to why they should not be superseded. As far as I know and can recollect, the Government, the commissioner or the district magistrate has never actually performed the duty directly for the board. We have used that section, though, to require a duty to be punctually performed.

74. *The Chairman* : It becomes a threat, or perhaps we had better say a lever ?—Yes.

75. *Mr. Cadogan* : Is the same thing true in the case of district boards ?—In the case of district boards, one board has actually been superseded. We have also used this power of calling on boards to perform their duties within a specified time, but in no very important case.

76. *Lord Strathcona* : I have one question on district boards. On page 482,* at the end of paragraph 340, the book says : " Only in case a board " fails to elect a chairman can the local Government " nominate one." Is that a frequent occurrence ? —Not in the case of a district board. I have known it happen in the case of a municipal board, when there was strong party feeling and the parties were equal.

77. But not in the case of district boards ?—In the case of district boards I think it has never happened.

78. One question about panchayats. On page 511* in the middle of paragraph 397, you say : " The " district officer also appoints the *sarpanch* or presi- " dent of the panchayat." Is that a regular custom in this province ?—It is.

79. I do not think it is the same in other provinces, as far as I know ?—The idea is that the district magistrate, or one of his superior subordinates, should visit the village himself and should practically hold an informal election. He should gather the people together and ascertain their wishes about the *sarpanch* and then select the *sarpanch*. It is not intended, and it is not the practice, that he should do so without consulting the chief inhabitants of the village.

80. *Lord Burnham* : * * * The results of the changes in local government are summed up on page 45,* about the middle of the page, in the lines : " There has undoubtedly been much deterioration in " local self-government, much jobbery, and much " injustice." What have you to say about that sentence ?—I can say no more than is given in the general conclusion of the Government on these particular chapters on the district boards. I think on pages 506 to 510* you will find material which corroborates that conclusion.

81. You refer to page 506 ?—Yes, that indicates

* Vol. IX. † *Vide* Appendix, p. 224.

the weakness of the boards, and a certain measure of deterioration.

82. I was interested in what you had to say about the financial arrangements of local government, and I see you say, on page 470,* that the Government's policy has been one of non-interference; and you mention the application of the municipal board of Muttra, which you say " was rejected on the ground " that the amount of its uncollected dues was just " about equal to the amount of the grant-in-aid for " which it had asked in connection with its water- " works." Is that a common feature of local government in this province?—The failure to collect dues is a very general feature in municipal boards. We have a regular statement showing the amount of uncollected arrears. Then, when the arrears are considerable, the Government point this out to the board and direct them to improve their collections. We have had one very satisfactory result to which I could point, the case of the Allahabad municipal board, which has very much improved its collections. After a great deal of pressure and after this had been pointed out constantly for several years, that board has learnt the necessity for improving its collections; but failure to collect dues is still a very general feature of the municipal administration. It occurs less often in the case of district boards, owing to the different nature of their sources of revenue.

83. Might not one argue from that that the system of entire abandonment of control of local self-government has not altogether worked well in this province?—I think that system itself may be described as having been abandoned. I do not think the position the Government would take up is that there has been an abandonment of control. The Government do not want to interfere if they need not do so, but they certainly do interfere if necessary in such matters as I have described, such as the failure to collect dues.

84. But I understood you to say in reply to the Chairman that you were just setting up new rules in regard to the inspection, by officers whose class has yet to be determined, of works in return for grants-in-aid?—Yes.

85. That has not been done yet?—Not in that particular department of roads. I described at the time that there was some system of inspection in the case of the very large educational grants, and also a system of inspection (though it is not a perfect system and has to be developed) in the case of hospitals. The roads have been, it might be said, abandoned until recently—the control over the boards' expenditure on the roads has been lacking.

86. I do not, of course, want to go into details with regard to education, but when you speak of inspection in regard to education, has not it been to a large extent inspection by officers appointed by the local authorities?—No, by officers appointed by the Government, who perform the duties for the local boards. The whole inspecting staff of the district boards for educational purposes is a Government staff. The deputy inspectors of schools, aided by a certain number of so-called sub-deputy inspectors, inspect the schools, and they are Government officials.

87. *Colonel Lane-Fox*: From what you have told us, it is quite easy to see that any deterioration in the work of district boards and other bodies would be due to their losing the help of the official element which they had before?—Yes, to the fact they have not an effective executive.

88. And for the moment, of course, that leads to deterioration?—Yes.

89. Do you see any real beginnings of an improved efficiency, or is it getting worse?—I do not think it is getting worse. That is my personal opinion. I think the causes of the failures are being sifted out more clearly, so it is more possible now for Government to remedy those failures. At the beginning there were too many changes. The change was a big one, and it was impossible to see the lines of control; everything seemed to have gone. But now, I think, gradually the departments of control are being separated and the possibility of judicious Government interference is becoming established, so that I think the deterioration, such as it is, can be arrested.

90. Is there any sign that public opinion is beginning to be brought to bear and more interest taken by the electors?—I think there is a public opinion, but it does not know how to express itself. I remember a case in my own district where the chairman of the district board said to me that he did not like going out in an *ekka* (or whatever the carriage was) on the roads, because people came to him and said, " Chairman sahib, look at these roads! " It worried him. That is incipient public opinion.

91. But would that make itself felt at election time? On what do the local elections generally turn?—I think the elections turn too much on personal rather than administrative grounds. Whether the board has done well or ill is not considered at the time of the election; the elections are personal rather than decided on the record of the board. That is naturally a personal opinion of my own.

92. That form of public opinion——.—does not express itself at an election.

93. I am not quite sure what opportunities you have of levying any local taxation. Have you any local tax on motors, for instance, or petrol?—No. The petrol tax is not local or provincial.

94. There is no relation between the petrol tax which prevails in India and the local administration of the roads?—No.

95. Has any fresh source of taxation been discussed by these boards, by which they could have more money to use on their roads?—Several boards have introduced a new tax, this tax on circumstances and property, which provides them chiefly with funds for improving the roads. There are no taxes assigned to the maintenance of roads.

96. Who actually carries out the repairs on the roads? Is it let out to contract, or is it done by officials of the district board, or what?—It is done by small contractors, as far as I understand, who collect the road metal and do the actual ramming and consolidation on the road under the supervision of the district board engineer and his subordinate overseers. It is a curious system of combined contract and direct supervision.

97. Of course, that is a system that is open to great possibilities of, shall we say, corruption?—There have been a number of complaints that it has resulted in less metal getting on to the road than has been paid for.

98. And I suppose the unsuccessful contractor sometimes comes and tells you what the successful one has done?—Yes.

99. *Major Attlee*: It seems to me that the arrangements for central control have been rather chaotic. I gather that there is no real expert inspection and advice to local bodies, whether municipal or district board?—There is no expert advice in the case of the district boards. There is expert advice in the case of one department of municipal work, and that is the waterworks and drainage. In chapter XIII of this book* you will see an account of that expert agency, the Public Health Engineering department.

100. That is technical advice on a particular subject, but there is no general advice and direction on the technique of local government at all?—None.

101. Formerly, I gather, it was left to the Collector, but the collector in future will not have had experience of local government himself?—No, there was no more expert advice in the old system.

102. Except that he carried on for them; he did not know anything special about it?—Nothing.

103. As far as I can see, there seems to be a certain vagueness in the position between actually carrying out local administrative work and inspection. I gather from what you say that in some cases the inspector is at once the inspector of the central Government, but carrying out duties for the local authority?—Yes, that is the case.

* Vol. IX.

104. Therefore he is really inspecting as Tweedledum the work that he does as Tweedledee ?—Yes.

105. Can you explain to me a rather curious thing on page 485* ? It is with regard to delegation : " Another amendment of the District Boards Act " now enables the boards to delegate their powers, " duties and functions to certain government servants " of the medical, public health and education depart- " ments." Is it not a rather extraordinary thing for a local government department to delegate its powers to a central department ? How is that done ? —That was a recent amendment in order to get over the particular difficulty that they could not delegate these powers. The boards cannot afford to employ highly qualified doctors in charge of their hospitals, or highly qualified public health doctors to supervise their sanitation. The Government has appointed those officers in the interests of the health of the country, and as all medical and all public health work is carried out through the district boards, those Government officers form the natural agency to carry on medical work and carry out public health work. Therefore the boards, by what may be called financial pressure, have to use this Government agency for the work which is entrusted to their general guidance. It is a most anomalous system. It is so difficult that I find it very difficult to reduce it to the form of a rule. There is no rule at present, no statutory rule about this delegation ; but it works.

106. There was the formation of *tahsil* committees. I take it that that was an attempt to give some sort of governing body to a smaller unit than a district ? —Yes.

107. I gather that they had no money and no specific duties, and they rather fell through ?—I think that they have fallen through for other reasons. I am not quite sure that a *tahsil* as a subdivision of a district really meant anything. They are accidental divisions ; they vary very much in size ; they have no life or entity of their own, and it always has to be remembered that the district board is the successor not only in fact but in sentiment of the collector. The custom of the district is to concentrate the control at district head-quarters. These outlying divisions have not, therefore, had anything like a vigorous life.

108. Just a word as to the staff. Is the secretary of the district board a qualified person in any way ? Is there any qualification laid down ?—No, there is no qualification.

109. Is there any minimum salary laid down ?— No.

110. Is there anything to prevent anyone being jobbed up to it ?—When an entirely unsuitable man was appointed as secretary, the commissioner would certainly draw the attention of the board to the fact, and put some kind of pressure—at least, the pressure of writing a letter pointing out that the man was unqualified ; but at present there are no rules determining the qualifications of secretaries of boards.

111. Has the Government ever taken steps to advise local boards, or train them in the general principles of local government, and so on ?—I think I may say that the necessity for doing that is now being recognised. The habit has to be created of doing that. We are doing that particularly in the case of roads, advising the local bodies, and helping them to face their responsibilities. The necessity for doing that is now recognised by Government.

112. I suppose it would be fair to say that when this increase in local self-government came about, it was a particularly difficult time : prices were high, I suppose, and generally it was difficult ?—It was particularly difficult.

113. *The Chairman* : On that point, Major Attlee, we all wish to state the thing as we see it in the fairest way. There is another thing * * * that must always be remembered. It seems to me that in passing from the old system to the new it was not generally realised what a very difficult task was being thrown upon the new bodies at the beginning ?— That is so.

114. It looked as though all that was happening was that you were substituting an elected chairman for an official chairman ?—Yes.

115. But in fact you were doing a great deal more than that, because by taking away the official chairman you were also taking away the machinery by which the official chairman had worked ?—Yes.

116. And it seems to me, therefore, that a very difficult task was thrown on these local bodies in the first instance—Yes.

117. And I should not have expected them to go very well at first. The important thing, I think, is what Colonel Lane-Fox was asking you—whether there are good grounds for thinking that the thing is being pulled together, and is improving. I should not be at all surprised to find that at the start it was much more difficult than it was ?—Yes.

Lord Burnham : I am sorry to say I do not quite follow you in that, sir. I thought it has been the district officer's duty to give his advice and put his machinery at the disposal of the board, whether they took it or not.

118. *The Chairman* : I may be wrong, but I would like Sir Ivo to tell me. After all, we speak of a district as though it was a small English county, but many of them are very large areas ; they contain perhaps a million or two or three millions of people. In the old days the collector, sitting at head-quarters, had got in all parts of that district, as I understand it, his own official subordinates ?—The practical difficulty of getting round the district is a very great one ; it is difficult to go round and see things. The district board member may know his own constituency, but he will not see the rest of the district, whereas the collector and his staff saw the whole of the district. That is a very great difficulty for the boards ; they cannot see things.

119. Forgive me for interrupting you, but the point I want to get clear is whether I was not right in thinking that under the old system it was not merely that you had an *ex officio* chairman, but you had a chairman who, with his own subordinate staff, was constantly in a position to inspect *this*, and to see how *that* was getting on. It seems to me that when you sweep that away and substitute what is substantially an elected board and an elected chairman, it is not merely substituting one kind of chairman for another, but this machinery which the official chairman had is to a large extent less available ?—Yes.

120. Am I right or wrong about that ?—That is quite correct. That is the explanation.

121. *Lord Burnham* : I should like to ask this question, because it does not bring conviction to my mind. Is not it still the duty of the collector to give advice and to put his machinery at the disposal of all such local authorities as will avail themselves of it ?—No, it is not his duty to utilise the staff which is intended to be collecting revenue on doing work for the district boards. It is the duty of the collector to know what the district board is doing, but it is in no sense his duty to do the district board's work for them.

122. Nor to advise them ?—That may be his pleasure. If he likes to advise them he may. If they like, as very many of them do, to consult him, they can. The chairmen of the district boards are, I think, constantly talking to the collectors about their difficulties, but all that advice is informal. Apart from that, the district magistrate has a certain general duty to the Government, to inform the Government through the commissioner of the failures of district boards to perform their work, and he has certain duties of interfering if the district board actually do something that injures a class or community, or causes danger, or is likely to cause a breach of the public peace. He has that duty, but his duty of advice is a voluntary and informal duty.

123. *Major Attlee* : Might I ask you this. Broadly

* Vol. IX.

speaking, in pre-Reform days the collector regarded the group of functions which we will call local self-government as part of his general duties, and he had a more or less generalised authority throughout the districts, and now they have been separated: he has taken the staff and gone one way, and they have taken the duties and gone the other ?—Yes.

124. *Colonel Lane-Fox*: And the collector becomes less responsible as he has less experience of local government ?—The collectors will have less experience.

125. *Mr. Srivastava*: You said that municipal boards came up with applications for loans plus a grant always, and as you could not give them a grant these applications had to be turned down ?—I would rather say, not turned down, but postponed. All grants cannot be given in the same year; they have to be fitted in with our financial position.

126. Do you know cases of deserving municipalities who did not want a grant, and yet loans were refused to them for very important works like waterworks, roads and sewers ?—I know of no case where a loan has been refused. A loan cannot always be given in the particular year or at the particular moment at which the municipality asks for it. That is owing to the financial arrangements of the provincial Government for obtaining loans. Unless we have budgeted provision for the loan, and have already obtained the necessary loan fund, we cannot make loans to the municipal boards.

127. I refer to the case of the Cawnpore municipality. They were very badly in need of an extension of waterworks, drainage and roads, and for a number of years they could not get anything out of you, although they had a perfectly business proposition before you. They did not want a grant; they just wanted a loan, and they could not get it ?—There is one condition which the Government examine rather carefully in the case of a loan, and that is whether the municipal board is in a position to pay the loan charges. If a municipal board has not funds enough to pay the interest and sinking fund charges of the loan, they will not get the loan.

128. The reason given, I believe, was that the Cawnpore municipality was so very well off that they could finance these works from their own revenues ?—I am not aware of any loan being refused. Why should it be ?

129. That was the reason given in the case of Cawnpore ?—I know that the Cawnpore municipal board has carried out works from revenue, but not, as far as I recollect, on pressure from Government.

130. Of course, we felt in Cawnpore that capital works, which are works for posterity, ought not to be financed out of revenues, and that it was the duty of the Government to give loans for such works, where they could show that they could pay the sinking fund and interest charges ?—I always understood that the financing of some of these drainage works at Cawnpore out of revenue was the action of the municipal board itself. There is certainly, speaking of the department as controlled by the minister at present, not the slightest reluctance to arrange for a loan for a municipal board which is in a position to pay the loan charges, and when the loan funds can be provided by the Government itself through the budget. There is no reluctance.

131. My point was that in this case that was the reason given by Government, and that is why Cawnpore municipality was compelled to finance some of these works out of the revenues, which they regarded as the wrong procedure, but since they could not raise a loan of their own, they had to do it.—It is not a case of which I can recollect any detail, because I entirely agree with the view of the Cawnpore municipal board on this question, as you are aware.

132. On page 510* of your second volume of the book you say that the district boards have to contend against great difficulties, amongst which is the defective nature of the legislation. Now, what are those defects in the legislation ?—I think some of the questions which I have endeavoured to answer to-day will show one side——

The Chairman: May I suggest, Mr. Srivastava, that the reference must be, I think, partly to page 483.* It is there describing the District Boards Act, in the middle of the page: " The Act contemplates " the whole board as an administrative unit and the " list of its powers and functions, very few of which " can be delegated, is a large one. This conception " has proved to be fundamentally wrong." I cannot help feeling it is dealing with that.

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133. *Mr. Srivastava*: The main thing here seems to be that they have not got a strong enough executive, is it not ?—That is it, yes.

134. Now, what have you done to provide them with the machinery about which Sir John was asking —the machinery from the point of view of administration ?—We have not provided them with the machinery of administration. That is exactly why you are complaining of the Act—that the Act is defective.

135. Would you recommend that the Act be changed accordingly ?—I think the Act could be improved on those lines.

136. Will that get over a great many of these defects from which these boards are suffering ?—Any measure which could give the district boards a better staff, a more qualified staff, would help them to remedy these defects.

137. You stated that the great defect in these district boards is that public opinion does not know how to express itself ?—Yes.

138. There is a suggestion made by some people, amongst which is the Chamber of Commerce in Cawnpore, that these district boards should have an indirect electorate from the village panchayat. Do you think that would get over this difficulty ?—I think the same people would be elected. I do not see how that would add any more in the expression of opinion. I mentioned my feeling on the subject, and that is that elections are to such a large extent personal.

139. But it would establish points of contact with every village practically when the village panchayats become the electoral college for the district boards ?—It might strengthen the feeling in favour of a better local administration. I cannot say that it will make very much difference. It is a question of habit really.

140. You said that hospitals and schools which are run by the district board are in a way controlled by the Government through various agencies ?—Yes; by Government officers.

141. Have any very glaring defects been pointed out by these people ?—I cannot speak about education which is not one of the departments in which I work. But about hospitals there has been a very marked tendency to provide hospitals with inadequate equipment. I know that a number of things connected with hospitals require a lot of expenditure. The boards have been backward in attending to them. I have also had very serious complaints about the supply of medicines to the rural dispensaries. That is no doubt a question of funds.

142. In what way do you think these hospitals can be improved ? I mean in what way could you provide funds ? It is all a question of rupees, annas and pies, I take it ?—The memorandum sets out the taxes which the boards could impose, but have not imposed.

143. You refer to the difference between the 5 per cent. and the 6¼ per cent. ?—Our estimate is that the tax on certain things if generally imposed would add 25 lakhs to the boards' revenue. I may state that their total revenue is now very nearly 190 lakhs. 25 lakhs might be added by the tax on circumstances, and another 25 lakhs might be added by the increase of the rate from 5 per cent. to 6½ per cent. These are

* Vol. IX.

the resources with which the defects could be met by the board.

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144. *Khan Bahadur Hidayat Husain*: I will take the question of the executive first. Is it your opinion that the executive suffers because it is swayed by personal considerations of the chairman and the members of the board ?—I think it does.

145. Do you not think that it would be better if the executive services of these boards were provincialised ? That is to say, the point is this. The secretary, the executive officer, the health officer, the inspector of education or superintendent of education, whatever you may call him, all these services were provincialised and placed in charge of the ministry of Local Self-Government. Their appointment, promotion and transfer are made by the ministry on the recommendation of the boards ? —I am not prepared to say yes or no to that question. There are advantages and there are disadvantages. The result of that would be to make the staff serving under the boards too largely independent of them, and I have always seen for myself the danger of that. But undoubtedly we could secure a better staff if they were provincialised.

146. At page 509* of Volume II of your report you have said: " The standard of administration has " remained low. Meetings have often been un- " businesslike, and discursive debates only too com- " mon. Communal friction has come to the surface " in many districts—mainly in connection with " communal representation in the boards' services " and questions of script and slaughter houses." My point is this. Do you not think that all these questions could be avoided and administration of local bodies improved considerably if these points had been set at rest by an Act of the local legislature ?

The Chairman: I think it is very difficult to pass a Statute that meetings shall not be unbusinesslike and that there shall not be discursive debates. (Laughter.)

147. *Khan Bahadur Hidayat Husain*: I only read out the whole statement there. What I meant to refer was only in regard to communal representation in the boards' services, and slaughter houses. Those are the points on which main differences lie on the boards' working. Could not these be set at rest and instructions to boards improved upon if all these points had been settled by an Act of the local legislature ?—I do not think so. I think they are largely administrative points. The district magistrate has the power of interfering if some resolution causes injury to a class or a community, and I think he has exercised those powers and has interfered with effect in some of those questions of slaughter houses.

148. With this difference, that they have not disappeared so far ?—If a district board closes a slaughter house so as to deprive a class or a community of reasonable facilities for obtaining meat, the district magistrate has power to intervene.

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150. *Dr. Shafaat Ahmad Khan*: One more question, sir. At page 474, paragraph 326 of Volume II of the report you say: " Their work has been marred " by communal feeling in regard to services, slaughter- " houses and the Urdu script." Is this communal feeling widely spread among the local bodies ?—I suppose no more widely spread among local bodies than it is in the whole province. The local bodies reflect the feeling of the province.

151. Do you think this communal feeling is due to the maintenance of separate electorates in these bodies ?—That is a question which would be rather beyond my competence to answer. Nor is it a question which is certainly confined to the Local Self-Government department.

152. What in your opinion is the chief cause of disputes about the services in local bodies ? Is it due to the lack of any statutory rule with regard to the fixation of percentage of Hindus and Muhammadans ? There are disputes about services in most local bodies. There are no percentages fixed. Do you think that it will go far towards removing these differences if a certain percentage is fixed in local bodies ?—I think it would possibly be improved. Any restriction on the power of discussing their appointments must decrease the internal friction in the body.

153. What is your opinion with regard to the institution of a local services board that will select various important officers for the various bodies out of a panel which might be suggested by an independent authority ?—We have felt the need certainly for some method of controlling or giving qualifications in the cases of more important officers of boards. It is possible that a Services Commission on the American model might improve the quality of the staff and might be a preferable alternative to the suggestion which was made a little before of provincialising the services.

154. You prefer this ?—I see considerable difficulties about provincialising the services. It makes the officers too independent of the boards, and I think there might be distinct advantages in a Services Commission which would handle these questions of appointments.

155. *Lord Burnham*: And dismissal ?—The Commission could deal with the question of major punishments.

156. *Lord Burnham*: What about medical officers in the Local Self-Government department ?—Our medical officer here is a Government servant. He is entirely under the control of Government. He cannot be punished by the board. But there are officers directly under the boards whose cases of punishment and dismissal might be dealt with by this Commission.

157. *Dr. Shafaat Ahmad Khan*: In the chapters on Public Health and Medical department it is mentioned that the hospitals are badly equipped, there is no standardisation and that the servants employed are not experienced and sometimes are ignorant. Do you agree with this view ?—I do as a general proposition to which there are many local exceptions.

158. What is your constructive suggestion for removing these defects ?—My personal view is that some of the most important hospitals in the big cities should be administered by the province; they should be directly under the Medical department and should be financed by the province, and I think as regards the remainder the Government are contemplating an improvement of the staff through grants-in-aid of the resources of the boards.

159. I would put one more question. You say there was no machinery provided for administration in the District Board Act of 1922. What machinery would you suggest for an amending Bill to amend the present District Board Act ?—The obvious line I think is to copy the Municipalities Act, or the Acts from which the municipalities have come into being, and to appoint an executive officer who should have certain qualifications and should have certain statutory powers. There is a clear precedent for that in the Indian Municipalities Act.

160. Will that be enough ?—If that were combined with advice from Government and scrutiny of the actions of the boards and inspection, I think that would be enough.

161. *Babu Rama Charana*: Will you please give your opinion as to whether one member who is ordinarily nominated to represent the depressed classes in the district board is enough ?—I did not hear the question. Will you please repeat it ?

162. My question is whether one member who is ordinarily nominated by Government to represent the depressed classes in the district boards produces any effect in favour of the depressed classes ? Is he enough to represent the depressed classes ?—I could not answer that. I have never seen the members at work. I have often wondered what the single member of the depressed classes actually does on the Boards, but it is impossible for me to guess what influence he at present exercises. Consequently I

* Vol. IX.

am not able to say whether there should be two or more members.

163. *The Chairman*: I gather the point that you raise for the consideration of the Conference is whether that representation of the depressed classes is adequate ?

Babu Rama Charana: Yes.

The Chairman: I might say that since Mr. Hartshorn put this question I have asked Mr. Sloan about it and he has let me see the District Boards Act, section 6 of which says " The Local Government may " nominate not more than two persons who shall not " be Government servants as members of the Board," and so on. " One of the nominated members shall " ordinarily be selected from among the backward " and depressed classes." I gather you raise for our consideration the question whether there ought to be a larger representation or not ?

Babu Rama Charana: Yes.

The Chairman: I am much obliged to you.

164. *Mr. Desanges*: You know that Government give large loans to municipal and district boards. What protection has the Government got for the money loaned to these bodies against mismanagement or embezzlement ? I take it there have been cases of embezzlement ?—The loans are almost invariably made for large engineering works, which are inspected.

165. I might save time by putting the question this way. You have an audit called test audit. Would it not be better if you had audit by an outside body of a month's accounts in the year ?—I see no special advantage in that. Our audit service is quite good so far as I understand.

166. If you had a month's accounts audited, would that not reduce chances of embezzlement and conduce to better management ?—I do not think so.

167. One other question as to the district boards. You have a large number of Indian Christians in the districts in connection with the Missions, etc., but there is no provision for their adequate representation on district boards, is there ?—The number of districts where the Indian Christian community is strong in the rural area must be comparatively small. In any other case it is open to the Christians to make the suggestion for the consideration of the Government, that the Government should nominate an Indian Christian to one of the posts on the district boards to which Government can nominate. Government would consider that.

168. *Kunwar Bisheshar Dayal Seth*: You said that elections to local boards are held on personal grounds. What are your reasons for holding such opinion ?—That is the impression one gets by the nature of the complaints both before elections and afterwards. The preparation of electoral rolls brings Government a very large sheaf of complaints, which it is very easy to read or interpret as complaints on personal grounds.

169. Complaining against the action of any particular authority ?—Yes, their own personal interests not being sufficiently served.

170. Do you find there is any change in this practice, or has it been uniform since the new Act came into force ? You say that elections are held only on personal grounds. Is there any change in this respect ?—I have not sufficient experience of elections to say that.

171. Then it is only your observation ?—It is an observation ; an impression.

172. You have no definite grounds on which to say that ?—No.

173. *Raja Kushalpal Singh*: Is it not a fact that important municipalities desire to augment their income by the imposition of taxation and that the Government of India refused sanction to the imposition of those taxes ? For instance sanction was not given to levy a tax on passengers ?—There have been cases where a town had been anxious to levy a tax and the Local Government has seen no objection to it. But the Local Government has under the existing law to obtain the sanction of the Government of India, and it has been unable to obtain that sanction.

174. *The Chairman*: You mean a terminal tax on passengers ?

Raja Kushalpal Singh: Yes.

175. *Mr. Desanges*: Is that not felt to be a grievance by the municipality concerned, the withholding of the sanction by the Government of India ?—Sanction to that tax has been refused by the Government of India.

176. Has it been felt to be a grievance by the municipality ? The Agra municipality applied for permission to impose such a tax. That was the only way open to it of augmenting its income ?—I am not sure whether that is the only way of augmenting their income, but it is a natural way of augmenting their income in a town which so many people visit and which has to keep up a standard of its own to suit the visitors.

177. If sanction is given by the Government of India to the imposition of this tax the income of important municipalities would considerably increase ?—Many of the important municipalities already have taxes of this nature. They call it a pilgrim tax.

178. That is a different tax ?—I mean a passenger tax. The pilgrim tax is this so far as the pilgrims are concerned.

179. *The Chairman*: I have not followed the distinction between the two taxes. What is the exact nature of the pilgrim tax first of all ?

Mr. Desanges: Those persons who come to pilgrim centres have to pay a certain tax. The railways levy that tax.

180. *The Chairman*: A surcharge on railways ?

Mr. Desanges: Yes.

181. *The Chairman*: The proceeds of the pilgrim tax go to the provincial or the Central treasury ?——

Mr. Desanges: To the municipal boards like Allahabad and Benares.

182. *The Chairman*: They are put to special local expenditure because of the influx of pilgrims, and that is met by this tax ? In Agra, it is a proposal to tax the people who go to see the Taj ? (Laughter.)—Yes.

183. In this case there was difficulty and the Government of India felt unable to agree to it ?—Yes.

The Chairman: On the other hand I suppose every man going to Agra on business or to see the beautiful things there will be expected to pay the tax. That was probably the point.

184. *Mr. Desanges*: Have the municipalities not to incur extra expenditure in maintaining roads and things of that sort in places where there is a large influx of passengers from all parts of India ?—They have great difficulty in attaining modern standards.

The Chairman: Probably it might be useful to read what the Todhunter Committee has to say about this particular tax. Paragraph 447 says: " Taxes " on pilgrims are usually levied on the railway " tickets and are collected by the railway company " for a small commission. They apply only to " certain pilgrim centres, and in many cases they can " be imposed only during certain festivals. There " is usually a free zone, all passengers coming from " stations within the free zone being exempt from the " tax. As a tax on transport, this tax is theo- " retically objectionable, but the rate is so low that it " involves little hardship or addition to the expen- " diture which the pilgrimage normally involves. " On the other hand the receipts are generally ear- " marked for very necessary purposes of providing " conveniences for pilgrims and taking measures to " prevent the spread of epidemics." That is the way they summarise it.

185. *Mr. Desanges*: Is it not a fact that in the Resolution on the working of district boards the Government themselves bore testimony to the excellent work done by many district boards and their chairmen ?—They have.

186. Is it not inconsistent with the sweeping remark made on page 54 (Report on the working of the system of Government—United Provinces—

1921–28) that " there has undoubtedly been much " deterioration in local self-government, much job- " bery, and much injustice " ?—No, the existence of the good does not balance the bad. There are bad and good boards as this memorandum shows throughout. I do not think the balance is such as to say that there has been no deterioration.

187. But is there any justification for making a general statement of this nature ? Would you not qualify it ?—I do not know if I can say whether the statement is justified or not.

188. *The Chairman* : May I put it this way. I do not read it myself as meaning that this is the universal and invariable result. I understand the author of this passage, I do not know whether he is right or wrong, to mean that the cases that he refers to are sufficiently numerous for him to wish to make the remark, but I do not think for a moment that the suggestion was that there were no cases of the opposite type. I should not suppose it. I am quite sure there must be cases where there has been some very good work done. You do not understand it to mean as a universal proposition ?—No, sir. I endeavoured to say that in my reply.

189. *Mr. Desanges* : Are you aware that money has been borrowed for construction of police buildings and buildings for other reserved departments ? Government have borrowed money for the construction of police buildings ?—Yes, I understand they have.

190. Are you aware that the Finance department is raising technical difficulties in the way of the Government borrowing money to give to local bodies for constructing primary school buildings, for the introduction of public health schemes and for reclassification of roads ?—Yes, a technical objection to Government borrowing on behalf of local bodies has been made.

191. Is it not a great hardship on local bodies ? Are they not at the end of their resources ?—No, the local bodies are not at the end of their resources.

192. Do you not think that their existing resources do not allow them to meet all the demands for the construction of buildings for primary schools and to carry out schemes of public health, medical relief and development of communications ?—They could not build all the buildings required in the districts for a complete network of schools and dispensaries. The resources of the local bodies are not sufficient for that.

193. But will not that be supplemented if this technical objection is withdrawn and local bodies are allowed to borrow money for beneficial activities ? —The technical objection might then only be replaced by the practical objection that the Government was not in a financial position to add to its indebtedness.

194. But it has added to its liabilities by borrowing for police buildings and revenue buildings ?—I should be glad to see the technical objection removed.

195. *Mr. Srivastava* : What is the technical objection, may I know ?—That a local Government may not borrow money for buildings which would be constructed for the local bodies.

196. Is that a definite rule ?—It is a financial subject with which I really am not very familiar. But that is the effect so far as our administrative departments are concerned.

197. You are hampered by that rule ?—It is an obstacle, certainly, which has been raised.

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198. *Sir Arthur Froom* : In this book* under Local Self-Government, there is a division of various subjects in charge of the minister for Local Self-Government. I am referring to municipalities, district boards and village panchayats. The chapter gives a very interesting survey of the work done by each of these bodies and also the conclusions arrived at. The conclusions expressed in this chapter are not very eulogistic of the work done by these bodies. Then I come to Buildings and Roads. In reading through the relevant portion dealing with this subject it appears to me that you find the upkeep of the roads by district boards was not efficiently done on the whole and therefore for the future you propose that there should be regular inspection of the local roads kept up by district boards which receive grants from the provincial Government. Might I assume that the inspection will be similar to that done in the case of provincial roads and might I also assume that this inspection will not necessarily take the form of an officer coming down and saying " Why have " you spent money on this or that " but that he might also give advice ?—Yes.

199. There should be a regular inspection from the Public Works department to see whether money has been wasted on roads, what revenue will be derived and so on ?—Yes.

200. Now coming back to the other part, viz. the other departments administered by municipalities, district boards and village panchayats, might I suggest that a similar sort of arrangement should be made if possible, I mean some sort of inspection. By inspection I do not mean the sort of schoolmaster's inspection to find fault, but an inspection with a view to help these bodies. Do you think that, as in the case of roads, some sort of inspection might be proposed for other subjects dealt with by the municipalities and district boards ?—That is what we contemplate in the case of hospitals and that is what we are doing in the case of public health.

201. Might I explain the reason for putting this question ? As I read the conclusions which, as I have already said, are not very eulogistic, I find that a remedy in respect of local roads has been suggested but I cannot find any remedy suggested for other subjects ?—We do say that the possibilities of remedy are on the line which you have suggested.

202. That is to say, that is the line of action you propose to take ?—Yes.

203. *Raja Nawab Ali Khan* : Is it not a fact that the Director of Public Health, the Superintending Engineer of the Public Health Department and the Electrical Inspector to Government also exercise control as experts in their respective spheres over the municipal committees ?—Yes.

204. It is therefore likely that the opinion and policy of one officer may differ from one who succeeds him ?—It is possible.

205. In that case it is hard on the municipal boards to follow the advice of one expert at one time and soon after to give it up when the next expert makes his suggestions ?—I do not think it is likely to occur.

206. Is it not a fact that the Lucknow municipality on the advice of one set of experts undertook the construction of tube wells and maintained them at considerable expense until they were condemned by the successive experts ?—I do not know that case, but I have heard some cases of that kind.

207. Are you aware that when the Sullage Farm scheme was originally adopted at the advice of Government experts it was a less costly scheme and when it was almost completed the board was advised by Government experts to adopt a more costly scheme which, I understand, is again going to be changed ?—The Sullage scheme was a very difficult scheme ; I am aware that there are a good many changes of idea about that.

208. Is it not a fact that the board is bound to adopt the proposals made by Government experts and cannot obtain expert opinion from elsewhere ? —If the board wants Government money to carry out a scheme it has to take Government advice.

209. That is to say, failure to give effect to the proposals of Government and to obtain advice from other experts renders the board liable to forfeit Government grant and even suspension ?—Yes.

The Chairman : Excuse me for interrupting. I appreciate the point made but it does not seem to me so very surprising. The system which obtains in this part of the world seems due largely to this : Even in matters which perhaps in other countries we should regard as purely local matters, the provincial Government is asked to come in and be, in

* Vol. IX.

effect, a partner. It seems to me that it is not altogether surprising that any provincial Government which lends money should say " I cannot subscribe " half unless I have some controlling voice in the " method of spending the money."

Raja Nawab Ali Khan: When the work is almost finished, sir, they are asked to take up another scheme.

The Chairman: That is only extremely unfortunate.

210. *Sir Hari Singh Gour*: The emancipation of local bodies since 1921 was intended as a training ground for the people to the larger responsibilities which were to be given in the local councils and the Central legislature. What is your opinion? Do you think that the responsibilities thrown upon the district boards and municipalities have been used as an adequate training ground for the purpose which the Government had in view? Have they fulfilled the expectations aroused in the minds of those who wanted this to be an adequate training ground for the larger responsibilities to be conferred upon them and which were in a measure conferred upon them, in local and Central legislatures?—I think if you compare the number of members of the district and municipal boards with the 100 members who appear in the legislative council, you cannot say that all the 100 have received training in local boards. No doubt there are some members of the local legislature who have received training in local boards, but it seems to me that there cannot be any comparison between the number of members on the district boards and the number of members on the legislature.

211. The object of transferring power from the district magistrate to the chairman of the district board was surely to make the people more conversant with the management of their own affairs and to act as a training ground for the management of their local institutions?—In their own local affairs?

212. Yes.—Yes.

213. How far has that expectation been fulfilled in your province on the whole?—I think they are learning how to look after local institutions.

214. Have they looked after their local institutions in the manner in which the local Government expected that they would be trained to look after?—I cannot say what the expectation of the local Government was.

215. Speaking personally, for yourself, are you satisfied with the measure of progress that has been shown during the last six or seven years?—I must turn back to the chapter in the memorandum which gives the conclusions of the Government on that subject.

216. But I am asking your personal opinion on the subject.—I think the boards' work is better now than perhaps it was some years ago.

217. *Sir Hari Singh Gour*: You are satisfied that it is improving?

The Chairman: I may state that I am very glad to hear the answer which was given. The witness thinks that there is an improvement, but it is not the same thing as saying that he is satisfied.

218. *Sir Hari Singh Gour*: I want to know whether that improvement satisfies him or he would like to see more improvement?—I would certainly like to see more improvement. I am not satisfied with the improvement that has taken place.

Sir Hari Singh Gour: On page 474* of the memorandum it has been stated: " Their work has been " marred by communal feeling in regard to services, " slaughter-houses and the Urdu script. Govern- " ment's warnings and interference have kept it in " check in many of them. It is, however, one of the " greatest banes of local self-government—urban as " well as rural." On page 509, paragraph 392*, towards the end: " Personal and communal con- " siderations rather than the public interest have " not infrequently been the chief factor in the " decisions taken." Then on page 510*, towards the end: " An enlightened and effective public " opinion is the life-breath of local self-government; " it is undoubtedly, though very slowly, growing " and on very broad communal issues it can even " now be stirred to action."

Lord Burnham: Will you please read the next sentence also?

219. *Sir Hari Singh Gour*: Yes. " But on the day- " to-day administration of the boards its influence is " as yet so weak as to be almost imperceptible." Then on page 510* it is remarked: " The boards " have had to contend against great difficulties " * * * (I leave out the intervening three " lines) * * * and above all, the bitterness " of communal feeling." In these four references your Government refers to the loss of efficiency and the display of communal feeling which interferes with the discharge of public duties. How would you be able to eliminate or minimise the mischief that communal feeling is doing in the province? Have you any suggestions to make?—No.

220. You think the evil has come to stay or do you suggest some means of eradicating this evil? Have you or your Government ever thought about any solution?—I have no doubt Government have. I have to accept this fact as being one of the difficulties in the working of the local boards. By communal feeling is meant not only communal feeling but also personal friction; if something of this kind does exist it is a great difficulty in the working of the board.

221. Have you ever tried to hold local self-government conferences with a view to bring home to the people and to the representatives on the district boards and municipalities the larger outlook of discharging the public duties free and untainted by communal feeling?—There had been a conference at which the minister presided.

222. You think it has done any good?—The subjects for discussion at these conferences are so general and as such there cannot be very effective discussion.

223. What is your view in the matter of sending out deputations and delegations to various centres where work is done free from the tinge of communal feeling and personal jealousies, where local bodies are better administered, so that it may serve as an eye-opener to your district boards and municipalities?—Do I understand sending deputations by the boards to other boards?

224. Yes. Has your minister for Local Self-Government, or the Government for the matter of that, ever thought about it?—We draw the attention of boards to the value of finding out what other boards do.

Sir Hari Singh Gour: Not that. To make the people visualise that they must not have any communal feeling and that they must live for the larger life of the nation, to give them the opportunity of visiting places where better work is done——

225. *The Chairman*: It is a general question. I quite follow it. I gather that from time to time efforts have been made to hold conferences?—Yes.

226. (*To Sir Hari Singh Gour*): Do you not think it is better to leave it at that?

Sir Hari Singh Gour: Yes, sir.

227. A question was put to you as regards the fixation of percentages of employment of various communities in the public services and I understand you to say that you thought there was difficulty in the way. Do I understand you correctly?—I do not see myself what particular good it would do.

228. Would it not lower the efficiency in the public services?—Not necessarily, provided you have the minimum standard of qualification.

229. If you have a minimum then that would be the standard and not the maximum.—In any appointments for public service you have, I think, a minimum standard of qualification.

230. But the man with a greater efficiency may lose his chance because he does not belong to a particular community for which a vacancy has arisen?—It is rather a personal issue, I think.

* Vol. IX.

231. *Sir Zulfiqar Ali Khan*: You said to the Conference that Government have interfered in cases where dues from taxes were not realised. Do you think that it is due to the general inefficiency of the administration of the local boards and municipalities or is it due to any communal bias? For example, an officer may be a Mussalman or a Hindu and he feels reluctant to realise the dues from his co-religionist?—I think that compared with inefficiency the communal element is insignificant.

232. It is generally due to slackness in administration?—Yes.

233. You think that public opinion is becoming more and more familiar with the administration of these local boards?—I could not give my reasons for saying so, but I think public opinion is becoming more and more familiar.

234. Do you think that the public can realise the work done by the district boards or the municipal committees or do they see any slackness on the part of these bodies? Do they express their resentment if the members of these boards do not perform their duties?—Government certainly get complaints from individuals and sometimes from Associations about inefficiency of the municipal or district board work.

235. I want to know whether public opinion is consolidating in this matter and whether there is demand for more efficiency on the part of their representatives?—I could not judge that. It is impossible to form any opinion on that.

236. *Dr. Suhrawardy*: May I ask you who introduced the system of communal electorates in the district boards? Am I right in saying that the Hindu minister in charge of Local Self-Government introduced them?—The Act was carried through by a Hindu minister.

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239. You do not suggest that communal feeling displayed in the district boards on the question of slaughter-houses and script has anything to do with the system of electorates?—No, I do not think so.

240. It was rather due to the fact that Mussalmans, the beef-eating Mussalmans, have got a script of their own?—I cannot say what the reasons are. I know some feeling exists.

241. You do not think that if any other system of electorate is introduced the Mussalmans are likely to give up the question of the Urdu script?—It seems unlikely.

242. You say that no Government servant can be elected as chairman of the district board. Are public prosecutors and Government pleaders considered in your province as Government servants?—I do not think they are for that purpose.

243. They are not regarded as Government servants?—No.

244. Do you know whether they were not so regarded before the Reforms of 1921?—No, I do not recollect.

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250. *Sardar Shivdev Singh Uberoi*: You have stated that the district boards are constituted on a communal basis. What is the formula acted upon for the representation of the different communities in your province? Is there any set formula?—There is an elaborate scale of percentages varying according to the district between the strength of the Muslim community and the non-Muslim community. If the percentage is below a certain figure then the percentage of Muslim members to the non-Muslim members is so much. In our Municipal and District Boards Act there are these different percentages. The calculation is complicated.

251. Can you tell us the percentage of the minority communities represented on these boards?—In a normal district board it works out to about 6 members out of 30; but the districts of the United Provinces vary very much in the percentage of the different communities.

The Chairman: I have the Statute in front of me. It is an elaborate section, section 5. I think, Sardar Shivdev Singh, you may have a look at it later.

252. *Sardar Shivdev Singh Uberoi*: Have all the district boards and municipal committees non-official presidents in your province?—All the district boards have.

253. And the municipal committees?—I think 6 or 7 municipal boards have official chairmen still.

254. And the rest have non-official chairmen?—Yes.

255. May I refer to page 506 of your memorandum, paragraph 385*, which says at the end: "As already stated the former type of committee has already proved a failure, and the latter "though fairly successful has not been able to—"indeed it was not designed to—take the place of "a trained executive agency?" May I know to which this refers, "the former type of committee"?—The sub-division committee.

256. Further on it is stated: "The weakness of the "board's executive action has been due to the defective policy underlying the Act." May I know what that policy is and whether Government ever thought of any means by which to improve that policy?—I think the meaning of that passage is that when the Act was framed not sufficient attention was paid to the work the district boards were going to do and to the men who were going to do it, and the Government have ever since been engaged in trying to remedy that defect.

257. Have any amendments been passed to the Act?—No. No amendments have been proposed except the minor amendment of delegating powers to certain Government officials.

258. What relation does the commissioner bear to the district and municipal boards?—A number of functions are conferred on the local Government by these Acts and these are delegated to the commissioner. The commissioner has to scrutinise the returns and reports and the agenda and the minutes of the proceedings of these boards. He has also certain powers of interference under the Act. He exercises a certain amount of financial control by scrutiny.

259. Who sanctions the budgets of the local boards, the Government or the Commissioner?—The commissioner.

260. For all municipal committees and district boards?—Only in the case of municipal boards which are indebted.

261. *The Chairman*: The question put was who sanctions the budgets of the local boards. First of all does anybody sanction the budget?—The commissioner sanctions the budgets of the indebted municipalities and of the district boards.

262. Whether indebted or not?—Yes.

263. Sometimes he refuses his sanction?—Only on certain grounds specified in the Act.

264. Sanction is a formality?—In the case of district boards it is so largely.

265. *Sardar Shivdev Singh Uberoi*: And in the case of those municipalities which are not indebted?—As far as I recollect they do not come up to the commissioner for sanction.

266. Do they come up to the Government?—No.

267. *Lord Burnham*: In regard to public health, who fixes the qualifications of the officers of public health appointed by the local boards?—The Government.

268. Is it the case—I heard it stated and I have no indication whether it is true—that latterly the degree of D.P.H. which has been valid all over the Empire has been dispensed with?—We have the Lucknow degree of public health and our public health service consists of officers some with the English degree of public health and others with the Lucknow degree which, I understand, is on the same level as the former.

269. Are you satisfied that the Lucknow degree is equivalent with the London degree?—I do not

* Vol. IX.

know that I am able to judge on so professional a point as that.

270. Are you satisfied from the reports you receive that the qualifications of the officers of public health at present are sufficient ?—We are getting good men now.

The Chairman : There are just two things perhaps which I may be allowed to state, because I want to be sure, as far as may be, that we get a fair picture. I notice on page 455 of the memorandum* an interesting observation in reference to municipalities. " A few boards with a majority of Hindu members " have elected non-Hindu chairmen. Recently a " Muhammadan has been elected as chairman of " the Benares municipality. Cawnpore had till " recently, and Saharanpur still has, a Parsi chair- " man." I think it is useful just to mention that. The other thing one ought to notice is this. I gather from page 2† of the book that the material dealing with the departments under the Minister for Local Self-Government has been compiled under the orders of that Minister and has the approval of the Governor acting with the Minister.

APPENDIX (*vide* p. 215, Q. 71).

Statement (supplied by Local Self-Government Secretary) showing the present members of municipal and district boards in the United Provinces who are actually members of depressed and backward classes. The statement gives the names of the castes and it should be explained that there is no official distinction in these provinces between the depressed class and the backward class.

The arrangement of the statement is as follows: It gives first of all the caste of the member of the district board. The concluding column deals with the municipal boards and shows first the municipal board which gives its name to the district, and then any of the outlying municipal boards of the district which have representatives of these castes.

Two points have to be kept in mind. Firstly, in a number of cases the representative of the depressed classes is not an actual member of those classes but an Indian Christian or sometimes an Indian of superior caste who takes a special interest in depressed class work. This accounts for a number of cases in which there is apparently no representative of those classes on a local board.

Secondly, there is no statutory obligation on the Government to appoint a depressed class member or representative on a municipal board. Recently Government has undertaken to do so, but in a number of cases the terms of the sitting members have not expired, so that there has been no vacancy as yet in which to place a representative of the depressed classes. This also accounts for some omissions.

	District.	District Board.	
Meerut.	Dehra Dun ..	Gararia	—
	Saharanpur ..	Chamar	(Municipal board)—Chamar.
	Muzaffarnagar	Siyani	—
	Meerut ..	Jatav	(Municipal board)—Chamar—(Ghaziabad municipal board)—Kahar.
	Bulandshahr ..	—	—
Agra.	Aligarh ..	—	(Hathras municipal board)—Kachhwa.
	Muttra ..	Chamar	(Municipal board)—Kumhar.
	Agra	Jatav	(Municipal board)—Khatik.
	Mainpuri ..	Jatav	(Municipal board)—Rehdas.
	Etah	Ahir	—
Rohilkhand.	Bareilly ..	Teli	—
	Bijnor ..	Chamar	(Chandpur municipal board)—Chamar—(Dhampur municipal board)—mali—(Nagina municipal board)—Chamar—(Najibabad municipality)—Lohar.
	Budaun ..	Teli	—
	Moradabad ..	Baghan	(Amroha municipal board)—Chamar)
	Shahjahanpur	—	(Municipal board)—Kachi—(Tilhar municipal board)—Bharbhunja.
	Pilibhit ..	Chamar	(Municipal board)—Teli.
Allahabad.	Farrukhabad	Chamar	(Municipal board)—Raidas—(Kanauj municipal board)—Chamar.
	Etawah ..	Jatav	—
	Cawnpore ..	Kori	(Municipal board)—Ahirwar—(Chamar)
	Fatehpur ..	Kalwar	—
	Allahabad ..	Chamar	(Municipal board)—Dhobi.
Jhansi.	Jhansi.. ..	Khatik	(Municipal board)—Lohar—(Lalitpur municipal board)—Teli—(Mau municipal board)—Chipi.
	Jalaun ..	Kumhar	(Kunch municipal board)—Mukeri.
	Hamirpur ..	Chamar	—
	Banda ..	—	—
Benares.	Benares ..	—	—
	Mirzapur ..	Kurmi	—
	Jaunpur ..	—	(Municipal board)—Kalwar.
	Ghazipur ..	Kalwar	—
	Ballia	Vanik	(Municipal board)—Teli.
Gorakhpur.	Gorakhpur ..	Kalwar	—
	Basti	Teli	—
	Azamgarh ..	—	—
Kumaun.	Naini Tal ..	Arya	(Kashipur municipal board)—Nai.
	Almora ..	Tamta	(Municipal board)—Tamta.
	Garhwal ..	—	—
Lucknow.	Lucknow ..	Chausia	—
	Unao	Pasi	—
	Rae Bareli ..	Teli	—
	Sitapur ..	Chamar	(Municipal board)—Teli—(Khairabad municipal board)—Kori.
	Hardoi ..	Avadh	(Municipal board)—Kumhar—(Shahabad municipal board)—Kalwar.
	Kheri	Chamar	(Municipal board)—Chamar.
Fyzabad.	Fyzabad ..	—	—
	Gonda ..	—	—
	Bahraich ..	Chamar	(Municipal board)—Chamar.
	Sultanpur ..	—	(Municipal board)—Chamar.
	Partabgarh ..	Chamar	(Municipal board)—Chamar.
	Bara Banki ..	Kalwar	(Municipal board)—Carpenter.

* Vol. IX.

† Letter No. 111, dated 8th August, 1928, from the Government of the United Provinces—printed at the beginning of Vol. IX.

Afternoon.

Mr. B. D'O. DARLEY, C.I.E., I.S.E., Chief Engineer, Irrigation, United Provinces.

* * * * * * * * *

The Chairman: I should like to ask you these two things, because we have had statements about them in other provinces. First of all as to Indianisation in your department, the recommendation of the Lee Commission, as regards the Indian Service of Engineers working in the Irrigation branch, that future recruitment for the Irrigation branch should be in the ratio of 40 per cent. European, 40 per cent. directly recruited Indians and 20 per cent. promotions from the provincial service ?—Yes.

17. That was to be the formula ?—Yes.

18. So far as your province is concerned, is that formula being observed ?—As far as possible that formula is being observed. During the war, of course, we received no European officers. After the war, in 1919, we got a certain number. Thereafter it was exceedingly difficult for the Secretary of State to get European recruits, and we have received less than this proportion. During the last fifteen years we have recruited forty officers, of whom twelve are European. That, of course, excludes casualties; there were fourteen Europeans, but one died and one resigned. The European recruitment for the last fifteen years has therefore been about 30 per cent. At the present time we are over cadre strength, the reason being that before the provincial service was formed in 1921 there used to be a leave reserve in the Imperial service, and when the provincial service was formed it was supposed to take that leave reserve. The cadre was therefore reduced, and we had more officers in the Imperial service than were necessary to fill up the new cadre. So we are still over cadre strength, and for that reason even Lee Commission proportions are reduced in all recruitment, whether recruitment from Indian colleges, or recruitment from Home, or recruitment by promotion; they are reduced a certain percentage until we are back to cadre strength. For that reason we are really recruiting fewer Europeans than were recommended by the Lee Commission, although such recruits are now available.

19. The other question I wanted to ask you was this. I should like to know (as far as you think it right to deal with it; I recognise your own position as a public servant) how far the Irrigation department, which is obviously a very important department, has been carried on with the support and sympathy of the local legislature, and whether you have formed any view on the proposal that it might be transferred; I do not mean from the political point of view, which is another matter we have to consider, but I mean rather from the point of view of administration. Is there anything you would wish to tell us on that ?—The local council has always been extremely sympathetic towards us. They have always voted whatever money we required for irrigation work, and I think the majority of the members have generally urged that we should extend further, and the local Government have not been in a position to extend as far as the local council would have wished. I think my friends here who are on the provincial council will bear me out in that. As far as transfer is concerned, I would say from the Imperial point of view, or from the constitutional point of view, I could have nothing to urge against it; I do not think there would be any danger from the top in transferring it, presuming we got Ministers who would not interfere unduly with the departmental head. The only fear I have is in regard to the Indianisation of the service; that is, the danger from the bottom. I think were complete Indianisation to take place it would be a disastrous thing for the country-side and for the unfortunate cultivator; I will not say for all cultivators, but for a certain percentage of the cultivators. The canal system is a very delicate machine. Very impartial distribution of water is needed, and, further, our rivers here are all very silt-laden. The canals take out from near the hills, and the water in our canals is full of silt. The result is the channels have to be constantly cleared and kept clear. If any officer is slack about that, it will mean that our channels will get choked with silt, and the unfortunate cultivators towards the tail will not get the water they should get for their lands, though the upper cultivators would get it.

20. It is a case of last come last served ?—Yes.

21. The men at the end would have to take what was left ?—Yes.

22. *Khan Bahadur Hidayat Husain*: On page 102, paragraph 111,* you say: "The discontent was "largely due to economic causes and the unrest to "lack of certainty as to the future and of faith in "Government." Do you think at any time Government failed to protect your officers ?—Not in the Irrigation branch, but there was at least one flagrant case in the Buildings and Roads branch which is referred to here, and which caused considerable discontent and the fear in our department that something of the same kind might occur should our department also be transferred. This case is referred to on page 59,* item (4).

23. You say on page 102*: "the only cloud on "the horizon is now apprehension as to the future." Does that mean that if your department is transferred your officers fear they will not get fair treatment from the officer in charge ?—There is a certain amount of apprehension lest that might be the case.

24. It may be unfounded ?—It may be unfounded.

25. *Dr. Shafaat Ahmed Khan*: On page 102 it is said: "The chief engineer considers the standard "of Indian-recruited officers to be much higher than "formerly, and says that the efficiency of the depart- "ment has not so far been appreciably lowered by "Indianisation." What do you mean by "appreciably" ?—To any great extent.

26. It has been lowered, but not to a large extent ?—Not to any great extent.

27. But it has been lowered ?—Yes; there have been cases where it has been lowered to a small extent.

The Chairman: I think it is useful, Doctor Sahib, to bear in mind the early part of the sentence, "The "chief engineer considers the standard of Indian- "recruited officers to be much higher than formerly."

28. *Mr. Desanges*: I see from page 102 that you want 40 per cent. Europeans as against 60 per cent. Indians. I understand that your department is one that needs technical skill. Why do you want any Europeans at all in the department ? Could not it be run by Indian engineers of the requisite qualifications ?—I should say there were two reasons why one would want European officers. One is that the Indian is nearly always subject to pressure, both domestic and political, and if the department was entirely Indianised that pressure would lead, both for communal and class reasons, to the appointments and postings of officers not being made entirely on the ground of efficiency. That matter is now watched carefully by the percentage of European officers in the department.

29. Would your reasons be the same if you had Indians with English qualifications ?—My reasons would be identically the same.

30. You would insist on this percentage being maintained ?—I would like to see this percentage maintained.

* Vol. IX.

31. *Kunwar Bisheshar Dayal Seth*: I think you said just now that complete Indianisation would be disastrous to the cultivators ?—Yes.

32. In what respects ?—I said in my previous answer that I thought if complete Indianisation came in, communal and class prejudice would have a lot to do with the postings and appointment of officers. In other words, you would not get the most efficient people for the different sections of the work; and any slackening off, or in other words any inefficiency, would lead to the deterioration of the canals, due both to silting and interference with the impartial distribution of the water. That would mean that certain of the weaker cultivators, or cultivators who live at the tail of the channel, would go to the wall, if not carefully protected.

33. You say the collection of the revenue is done by the Revenue department ?—Yes.

34. But I think the revenue is fixed by you ?—Yes, it is assessed by us.

35. *Sir Hari Singh Gour*: You have said, with regard to Indianisation, that communal considerations might interfere with efficiency ?—Yes.

36. If communal considerations were eliminated in the selection of officers, that objection would not prevail ?—That consideration would not prevail.

37. In that case there would be no objection to Indianisation ?—No; I still say that class prejudice would come in. For instance, you have the Hindu family system, and I am sure everyone here will bear me out that owing to that system domestic pressure is brought to bear on any officer to appoint his relations in subordinate positions under him. That would still remain.

38. That would not apply to superior officers ?—It also applies to superior officers. I could quote cases, but I should prefer not to do so.

39. Will not that wear out in course of time ? When people are placed in a position of greater responsibility, they begin to deserve it by showing less class prejudice and larger devotion to their service ?—I am sorry to say I have not noticed it !

40. You have not given Indians a chance yet ?—We have Indian superintending engineers.

41. They have not been in sole charge; they are under the chief engineer ?—The superintending engineer is head of his department, and in many matters he has full powers without reference to the chief engineer.

42. Do you know of any superintending engineer who has suffered from class prejudice ?—I would rather not answer that question. I can say yes, I have, but I would rather not give instances, because it would lead to recrimination.

43. Has that not been an exceptional case ?—No, not necessarily.

44. Would you take it as a common practice that engineers in that high position suffer in that way ?—It is difficult to say that. It is difficult to say it is a common practice, but it does prevail.

45. As regards these apprehensions that you spoke of, I suppose your apprehension is as to the future ?—Yes.

46. Is it based on any proved data ?—It is based on my own personal experience.

47. The personal experience of the officers serving under you ?—Who have been directly under me and indirectly for certain establishment matters.

48. How many Indian superintending engineers have you got under you ?—At the present time we have got two.

49. Out of how many ?—Out of seven.

50. Have they been long under you ?—One has been in since 1924. The other man has been officiating off and on for two or three years, but we also had previously other superintending engineers of whom I may say that one superintending engineer had to be removed from the service.

51. I presume your experience is only about two or three years old, is it not ?—As chief engineer ?

52. Yes.—I have been chief engineer since March, 1924.

53. Then as far as your experience as chief engineer is concerned, it is confined to that date ?—As chief engineer from that date, yes.

54. *The Chairman*: How long have you been in the department ?—Twenty-five years.

55. *Sir Hari Singh Gour*: As regards the recruitment of Europeans to the Irrigation department, is it not a fact that Europeans have no experience of that sort of work when they come out to this country ?—Yes.

56. They acquire it here, and they take some time to acquire it ?—Yes.

57. What would be the time of acquisition for a European recruit here ?—Well, it depends on what state of efficiency is required. I personally am still learning.

58. How many years would you give on an average to a European engineer to acquire sufficient practical experience of the Irrigation department to be entrusted with projects like the one you are in charge of ?—With such a project it is very difficult to say, but I can say that the European assistant engineer is usually placed in charge of a sub-division after one year. So also is his confrere who comes from an Indian college.

59. And how long do they take now to acquire practical experience to be placed in independent charge of irrigation works ?—It is generally recognised that one year is sufficient for independent charge of a sub-division, that an officer should be fit after five years to take over an executive engineership, and after fifteen years he should be fit to take over a superintending engineer's post; though they rarely get those posts as quickly as that, because there are not many of them.

60. Do you not think that Indian engineers have shown aptitude for the work of irrigation ?—They are excellent executive officers, provided there is someone who will do the initiative, that is, prepare the schemes and make out the designs. As a rule they rather fail in that, though I think that that failing will disappear in time.

61. So that, after all, it is a question of time ?—A question of time, yes, so far as the initiative is concerned. Perhaps when they are put on their own responsibility they may acquire it. I must say I have not any great experience of them yet having begun to do so.

62. As regards the transfer of the Irrigation department, I understand you to say that there is no objection, except that there may be some difficulty in the complete Indianisation of the services: is that what you meant ?—Yes.

63. Now, supposing that this proviso of yours is complied with, namely, that there is not complete Indianisation of the services, then you see no objection to the transfer of Irrigation to a minister ?—No, provided, of course, that we get, as presumably we shall get, a good minister.

64. And you think the minister would have an advantage, as I see from page 18* of this book, volume I, where you say: " The position of a minister *vis-à-vis* " the Governor is, therefore, in practice a far stronger " one than it appears to be in theory."—That is this Government's report.

65. Do you endorse that statement from your personal experience ?—I have had no experience whatsoever of ministers.

66. But generally speaking, from what you know of the ministerial responsibility exercised in the provinces—you are a great sympathiser—you would experience no difficulty in finding ministers who would be able to carry out the policy which is conducive to the best administration of your department ?—Well, I see no reason to suppose that such ministers could not be found.

67. *Sardar Shivdev Singh Uberoi*: Are you aware that even nowadays under this system the poor cultivator has to pay something to those who are responsible for the distribution of water, and for the assessment of the revenue ?—Well, I believe that in the subordinate services there are some corrupt practices,

* Vol. IX.

both in our department and in every other department of Government.

68. Do you take any special interest to check this corruption of subordinates in your department ?—We do every possible thing in our power to check it.

69. Do you bring some men to book and dismiss them or punish them, or criminally prosecute them ?—Any time a patrol or *amin*—that is two of our revenue officials—is found in any corrupt practice, he is at once dismissed.

70. So it means that that evil, which you want to safeguard the poor cultivator against, still exists in the present system ?—Yes, to a certain extent, but I say that with complete Indianisation it would increase.

71. It is a question of degree ; you think it will increase ?—Yes.

72. Do not you think that if honest men are put in executive charge, who would prefer honesty to their communal considerations, this evil would be uprooted entirely ?—I doubt if in India corruption amongst subordinates will ever be uprooted.

73. Who is responsible for all this corruption ? Is it not due to the laxity of the officers in the highest ranks, who shut their eyes to such things when they know such things are going on ?—They do their utmost to check it ; they do their utmost to make rules for the check. Our officers are touring constantly, so that they are always in touch with the cultivator, and the cultivator can bring home his grievances to them.

74. You referred to a Board of Irrigation which was partly nominated and partly elected by the council, on page 98 ?—Yes.

75. You say the Irrigation Board attracted interest in the years 1921 and 1922, and then the interest slackened in after years. May I know what it was due to, whether the recommendations which the Board made were not accepted by the Government, or was there any other cause that interest slackened in this Board ?—It has been explained, I think, here that many of the Board's recommendations were very carefully considered by Government, and I think their recommendations were the cause to a large extent of the reduction of certain irrigation rates, the alteration of certain rules which were said to press hardly on the cultivator. For instance, the *Kiari* rules were abolished both on account of questions in council and on account of the recommendations of this Board. I do not think the Board could consider that their resolutions have not been carefully considered by Government.

76. But they do not take interest in it now ?—Latterly there has been some more interest shown, and I think there were two meetings last year.

77. *Sir Arthur Froom* : I think you told us that by reason of the provincial council having taken the greatest interest in irrigation, and being entirely sympathetic towards it, and, as it says in this book, such criticism as they have made frequently has been constructive, and from that point of view, leaving aside the question of possible administrative difficulties, and the question of staff, you see no reason why Irrigation should not be transferred ?—From that point of view.

78. That is what I gathered ?—Yes, that is so.

79. Might I ask you whether, in this province, that opinion arises possibly from the provincial council containing a large majority which represents rural interests ?—Yes, true.

80. And the same state of affairs might not exist in other provinces ; you are speaking merely of this province ?—I am speaking of this province.

81. And I think in reply to a question put by the Chairman you said that you had been 25 years in the Irrigation department ?—Yes.

82. And so you had the opportunity of keeping in touch with the officers of the Irrigation department in a humbler sphere than that which you occupy now, and therefore you might be expected to be a complete authority as regards staff. Now I should like to put this question to you. During your career have you ever had any expression of opinion from your brother Indian officers in the Irrigation department as to the view they would hold as to the complete Indianisation of the Irrigation Service ?—Frequently.

83. Might I ask what that opinion was ?—They have told me frequently that in their opinion complete Indianisation would be disastrous. I had it even quite lately from one of my engineers, who stated to me that he thought that a certain stiffening of Europeans was essential, that the European acted as a spur, and that for climatic and other reasons the Indian, if he had not got that spur, was very liable to relax his control and to get lax in his work.

84. *Raja Nawab Ali Khan* : Could not you ask one of your Indian engineers who says that complete Indianisation would be disastrous to come and give evidence ?—I could ask the man who spoke to me, but it would be unfair as it would cause odium to fall on him.

85. That is the opinion which you have from your subordinate officers ?—Yes.

86. *Colonel Lane-Fox* : We have been told that there is considerable difficulty in persuading young engineers to come out from England ?—There was during the years 1921, 1922 and 1923. Since the Lee Commission of 1924, I understand that that difficulty has disappeared. I am speaking, of course, without the actual facts of the case, but what is common hearsay.

87. It was really due to their fear of what their prospects might be. That has been removed ?—Yes, it has been removed by the Lee Commission.

88. *The Chairman* : I would like to delay the Conference for one moment, particularly with reference to an answer which you gave to Sardar Shivdev Singh. He pointed out to you, and you agreed, that unfortunately it is commonly believed that there is corruption in the lower ranks of the Irrigation service as it is. I do not mean the Irrigation service only, but we are talking about the Irrigation service—that is to say, that payments are made to the man whose duty it is to administer the water fairly without receiving any money at all. I am sorry that it is so, but it is right to notice that that is so under the existing system. Now, what I want to know is, what can you do to stop it ? What do you do to stop it ?—By the check of European officers, and also, of course, the general check throughout. The junior officer of all the patrol, who is of course the lowest paid official and comes into touch most with the cultivator, is the chief culprit, perhaps due to his low pay. His work is completely checked by a superior officer, an *amin* who is the next man above him in rank. So unless those officers join in collusion, every case should be found out somewhere or other by the next officer, the *ziladar*. A percentage of their work is checked by the *ziladar*, and a further percentage is checked by the deputy magistrate, and lastly there is a check by the assistant engineer and the executive engineer, all of whom have got to do a certain percentage of check.

89. I should rather gather from that that the check which you describe is a check which is applied by the joint activity of Indian and European officers ?—Yes.

90. The Indian officer joins in helping to stamp it out ?—Yes.

91. What I would like to understand from you is, in order to follow your mind, what is the part which, according to you, the European officer is able, in this matter of check, more efficiently to discharge ? What does he depend on ? Does it depend upon the fact that he is a neutral, the fact that he comes from abroad ? What is it ?—It depends on the fact that he insists on that check being made. He is seldom slack. Any laxity would mean that that check would not have been made. It would be written up as having been done in office. There is generally some European officer of senior rank to whom the cultivators can appeal. If he now finds a man has not checked work which has been noted as checked,

then that man must be dismissed; and it is fear of that that keeps the subordinates up to their duty.

92. Are there any figures—I do not at all want names or details—to show how many cases of investigation resulting in dismissal take place in your department, say, in a year?—I could get those figures.*

Sardar Shivdev Singh Uberoi: I think that would be useful information.

93. *The Chairman*: I have no doubt you will do your best to supply the figures. We are greatly obliged to you, and regret having had to change the time. We hope we have not made it inconvenient to you.—Thank you. I do not want it to appear that I have in any way run down my Indian brother officers, because they are our greatest friends; they work in entire harmony with us; they are loyal to us, and I cannot speak too highly of their executive ability to carry out works. It just struck me that perhaps in my evidence before the Conference I have rather given the impression that I am running down the Indian in comparison with the European. I do not wish to do so at all, beyond that I say that the Indian has not yet acquired initiative, and, shall we say, perhaps due to climatic conditions, he is not so inclined to be so energetic as the European.

94. *Sir Hari Singh Gour*: What have you done to prepare him to take the initiative?—He has been put in charge equally. As I said, we have got one Indian chief engineer—not that he does not take the initiative; he does take the initiative; but there are Indian officers who are on exactly the same footing as Europeans all the way down, superintending engineers, executive and assistant engineers.

95. *The Chairman*: The matter is a matter of opinion, based, of course, upon everybody's own view. We do not take it as finally deciding anything; but anyhow, that is what you wish to say?—That is what I wish to say.

The Chairman: Thank you.

Mr. E. A. H. BLUNT, C.I.E., O.B.E., I.C.S., Finance Secretary to the Government of the United Provinces.

96. *The Chairman*: Mr. Blunt, I think you are Finance Secretary, are you not?—Yes.

* * * * * * * * * * * * It has been pointed out to the Conference, of course, again and again in other provinces that the different provinces differ very much from one another in this, that some of them are so predominantly agricultural that their land revenue is very, very large as compared with the income-tax element, whereas in other provinces the income-tax element, owing to commercial and industrial element in the population, is very important, and the land revenue may be comparatively smaller?—Yes.

100. Taking a wide view, how does the United Provinces stand in that regard?—The land revenue in this province is well over 50 per cent. of the total revenue.

101. I have had a few figures put in front of me, I think from your Budget in 1928–1929. The figures are in lakhs of rupees: Land Revenue, 687; Excise, 136; Stamps, 174; Forest, 58; Registration, 14; and Irrigation, 98. If to that we add some smaller heads, I think it makes a total of 12 or 12½ crores?—It is about that.

102. In those figures, is Irrigation the water rent, distinguishing that from the increased land revenue which is due to water?—No, in that figure is included about 26.70 lakhs, I think it is, on account of improvement in land revenue due to irrigation.

103. Expressing those figures in percentages, they run thus. Taking these different heads of revenue together, the Land Revenue is 55 per cent.; the Excise is 11 per cent.; Stamps, 14 per cent.; Forest, 5 per cent.; Registration, 1 per cent.; Irrigation, 8 per cent?—Yes.

104. And you say Land Revenue is more than half the total?—Yes.

105. There again, taking a figure from the Finance and Revenue Accounts of the Government of India, taking for the moment income-tax as properly regarded as due to a province, because it is collected in a province (which, of course, as we know, is making an assumption), it is useful to get this sort of comparison. Bengal, for example, produces out of a total of taxes on income of nearly 16 crores, something like 6½ crores, Bombay produces something over 3 crores, Madras produces 1 crore 33 lakhs, and the United Provinces produce 73 lakhs?—Yes.

106. Land revenue is easily larger than income-tax in some of the provinces. Is that not so?—Of course a certain portion of the income-tax shown in Bengal for instance really belongs to the United Provinces. That is to say, the income on which it is assessed originated in the United Provinces.

107. Of course we quite appreciate the point that the income-tax collected in any particular area is not always due to the income earned in that area. It is, is it not, Mr. Blunt, a fact that a certain amount of importance attaches itself to any suggestion of giving each province some interest in the income-tax?—It is.

108. First of all, with regard to your own special matters, you point out, as I gather, that the Meston Settlement, as you consider it, operated rather hardly on this province in that the anticipations on which the contributions from this province were based have been falsified by the result?—Yes, sir; that is so.

109. Let me turn to page 87 of the memorandum.* You see there the figures at once. You will excuse me for stating it, Mr. Blunt, I am asking my questions, and at the same time you need not hesitate to correct me when I go wrong. What I understand from page 87* is this, that the contribution that you were under the new scheme asked to make was a contribution of 240 lakhs?—Yes.

110. And that was supposed to be a portion of the larger figure of 397 lakhs which was regarded as the increased spending power of the province?—Yes.

111. And then you make two points about that. One point is, you say that in any case that estimate largely depended upon the year to which it related?—Yes, sir.

112. And the other point I think is this. You point out that under the new conditions you were bound to spend more than you had to spend under the old conditions?—Yes, sir. Not only that. We had a very large sum of fresh expenditure coming on immediately. As a matter of fact it came in the next year; but in other provinces it had been put on in the *datum* year with the result that it came into their calculation, but it did not come into ours.

113. Mr. Blunt, are you suggesting that it was also due to the increase in the rate of salaries paid to the services?—Yes.

114. But had you not balances from which to pay the increased salaries?—If we are to consider those balances, we shall have to go back to a much more distant date. In any case, we had not balances to that extent.

115. What was this story as regards this province? You started with a contribution to the Central Government of 240 lakhs. Just tell us plainly how long was it before that was extinguished?—It was extinguished formally in 1927–28.

* *Vide* Appendix, p. 233.

* Vol. IX.

116. In the meantime it was being reduced ?—It began to be reduced for the first time I think in 1925–26. Then there was a further reduction in 1926–27. In 1927–28 the complete contribution was remitted, but to the extent of 51 lakhs the remission was non-recurring, only for one year, and this year 1928–29 that non-recurring portion was finally remitted completely.

117. I may just help my friends in regard to this detail. If you turn to page 191 of the red book (Government of India Act), you will see there that the United Provinces was asked to pay 240 lakhs, Madras 348, while some other provinces, such as Bombay and Bengal, had to pay less. Of course it is evident from that that while provinces like Bengal and Bombay contributed little, provinces like the United Provinces and Madras contributed a great deal. But the fact seems to be that the remission was regarded in Bombay and Bengal as putting an additional burden on them more than the other provinces ?—Yes, sir; I quite understand that. We held the same view, the other way round, whilst the contribution was in existence. (Laughter.)

118. Of course if this contribution of 240 lakhs from the United Provinces and, say, 56 lakhs from Bengal were originally fixed aright in order I mean to put the two provinces on a footing of equality, then it is manifest of course that as soon as they both ceased, you have been let off more than Bombay ?—Yes, sir; it is quite true. But in the meantime we have had to live on borrowed money.

119. I think the more important point is about the future of the provinces. How do matters stand as between the beginning of the Montford Reforms and to-day in this province as regards additional taxation ?—The provinces except for a slight rise in some rates connected with irrigation are exactly in the same position as regards taxation as they were then. In two years we put up the stamp duties—in one case both judicial stamps and general stamps and the next year only general stamps. The council refused to reimpose these rates and I think I am not maligning them in saying that the reason why they refused was, definitely, because they objected to taxing themselves so long as we were paying a large contribution to the Government of India.

120. That of course was temporary. You know now where you are ?—Yes.

121. Your province I can make out has got rather an interesting history since the Reforms in connection with the land revenue settlement because of the Report of the Joint Select Committee which recommended a revision if possible or a codification of the land revenue law ?—Yes.

122. This is a province where the agricultural interest has a very strong representation in the legislature ?—Yes.

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125. I understand that it was as a result of the United Provinces political agitation, not I think as a result of passing any law, that an extension of the period of revision of land settlement has been made from thirty to forty years ?—Yes, sir; in fact that is so. The law has not been put into shape yet.

126. Has not there been a movement to put the land revenue settlement on a permanent footing ?—There has been a good deal of talk about it, but I do not think that it has assumed any very definite form.

127. Did the people want it ?—Many said so, but I really do not think that there was any very strong feeling about it.

128. I think there has been a reduction of the normal assessment from 50 per cent. to 40 per cent. ?—Yes.

129. There has also been a limit put to the enhancement and I think they wanted to limit it to one-third ?—Yes, sir. As far as that is concerned, I am not very well up in regard to the details; but I have been a settlement officer myself, and to the best of my recollection that was the limit that in practice existed before.

130. At page 80* of the memorandum there is a very interesting description of the pressure which was exercised towards a modification which resulted in reducing the land revenue ?—The future land revenue.

131. And the other thing I notice is rather an interesting point. On pages 313 and 314* in connection with the Excise department I see that there has been a policy to reduce the number of liquor shops and a reduction in the hours of sale. That has been accompanied by raising the excise duty and license fees ?—Yes, sir. That rise of duty as a matter of fact was decided on the year before the Reforms. It was taken over at the Reforms.

132. There is a very interesting comment made at page 316* : " The Excise department affords an inter-" esting illustration of one of the difficulties of diarchy, " namely, the incomplete nature of the division of " subjects. The administration of Excise by suc-" cessive ministers has resulted in a reduction of " revenue amounting to more than half a crore of " rupees " ?—Yes.

133. It was about 12 crores. " The effects of such " a loss cannot be confined to the department con-" cerned, or even only to the transferred departments, " but must recoil also on the reserved departments." In other words, the finance of the province is the concern of all departments of the Government as a whole ?—Certainly it ought to be.

134. But I am not asking you to-day questions about future changes, we will deal with that when we examine the Finance Member—but just tell me this. Would you summarise for the Conference what are the matters of practical adjustment which you think you want to direct our attention to ? I am not asking you to make any proposals.—In connection with the Finance department ?

135. *The Chairman* : Yes. For instance, are you satisfied with the present arrangement by which the province gets an interest in the income-tax only to the extent to which there is an increased assessment ?—Well, sir, I can put that best in this form. As matters now are, when the contributions have disappeared, we are satisfied with the amount of money that we receive under the Meston Settlement. We do not want, and I do not think that we need at all for the next ten years, any increased resources. I have made calculations which tend to show that we could put in another 14 crores of expenditure on the present transferred departments alone, and finance that from our present resources (I mean those that are at the present moment in existence) during the next ten years without any more increase in taxation than about thirty lakhs a year. But we are not satisfied with the nature of our resources. Our system of taxation as a whole is extraordinarily inelastic. We have no tax that we can raise or lower easily when we want more money. That is a matter of very great importance in this province, which is peculiarly subject to agricultural calamities. I have calculated that an agricultural calamity at the present day would cost us probably about a crore. That is apart from the money we should get from our famine insurance fund. A large part will be loss of revenue. For the rest it would be additional expenditure. For instance we will have to write off agricultural loans and so on. Part of that ought to be financed from some sort of reserve fund; that is to say, about 60 lakhs out of a crore. But we could not get much more from such a fund than that. For the rest we want a tax that can be raised and lowered easily and that is mainly why we have suggested taking the tax on personal incomes. What we want is an adjusting tax similar to the income-tax and the tax on tobacco and tea in England, something that could be raised without trouble and would be certain of yielding a sufficient amount.

136. But the Government of India might wish to keep the income-tax as an adjusting tax for their own purposes ?—That is true; but may I point out that

* Vol. IX.

they have another adjusting tax in the shape of the salt tax ?

The Chairman : I do not think we shall go into this subject further now. We are hoping to provide ourselves with Mr. Layton's expert advice when he comes up.

137. *Major Attlee* : Have you a large number of persons in this province deriving income from land ?—Well, in what particular way do you mean ? Do you mean agricultural land or other land ?

138. Are there big landowners ?—Yes, we have some big landowners.

139. And you have got intermediate landowners, and sub-letting and things of that sort ?—I should think it would be safe to say that we have landowners of almost every conceivable kind of description from the biggest to the smallest, and also tenants holding under almost every possible kind of tenure.

140. Is there pressure on land ?—The pressure of taxation on land ?

141. Of tenants on land ?—The pressure of population on land is very big indeed.

142. There will be a considerable amount of income from land in this province which escapes income-tax altogether ?—Yes, there is a good deal.

143. Do you think there is any chance of getting any tax on that ?—A tax on agricultural income ? I very much doubt it. In the first place it will be difficult to get the council to agree, and in the second place I do not think you will get as much profit from such a tax as from land revenue. Land revenue on one theory can no doubt be regarded as rent, but that is certainly not the way in which the man who pays it regards it. To him it is very definitely a tax. We have considered the point, and it seems to me that these are alternatives. You can never have the two together, land revenue and a tax on agricultural income.

144. *Mr. Srivastava* : You said that you require 14 crores of rupees during the next ten years for expenditure on transferred departments ?—I did not say that we required it. I said that was an estimate of what I understood could be profitably spent. That is an estimate supplied to me by various secretaries, whom I encouraged to tell me everything they could think of.

145. You imply that the transferred departments do not require any more ?—I have merely given the figures that were given to me. An average of 140 lakhs extra a year is required.

146. I understand that there is very great illiteracy here. That question alone will absorb a lot of money ?—Yes, that is one of the items mentioned to me. I have allowed for that at the rate of 10 lakhs per annum, and 10 lakhs on the top of that figure every year, that is, 20 lakhs, 30 lakhs, 40 lakhs, and so on. You have to remember though you may have profitable expenditure, and have money to meet it, you have got to bring the two together. For instance, before you can spend more money on schools, you must get trained staff for the schools. There is no use in sending a boy to school when there is no teacher to teach him. The estimates that have come to me, I understand, were based on possibilities of profitable expenditure, not on needs. It is not merely a question of wanting more money, but the question is how much you can spend in the time profitably.

147. *The Chairman* : I did not understand Mr. Blunt to be making himself responsible for the estimates in the different departments. I would rather say what he said was, " I have looked at it " from the point of view of finance and I can see " my way in the future to spend not only the present " resources but another fourteen crores."—I can see the existing sources of taxation plus an additional 30 lakhs per annum sufficing to finance 14 crores of additional expenditure on Transferred alone, besides a little on Reserved.

148. *Mr. Srivastava* : On page 55 of this book* you say that additional taxes could be imposed which will yield half a crore of rupees ?—May I just correct your statement ? I did not say that. I am not responsible for the remarks in this book. That figure is probably now wrong. That was an old figure going back to the time of the Taxation Enquiry Committee. I can let you know the correct figure later on. It is more now.*

149. What are your rules in lending money to local self-governing bodies if they want money ? Is there any technical objection ?—There is no objection whatever to lending money to local bodies if they can repay it with interest.

150. Supposing they can pay the interest and sinking fund charges ?—What particular kind of local bodies do you mean ?

151. District boards ?—They can borrow just like municipalities can do provided their finances are such that they can pay the debt charges.

152. We were told this morning that there is some kind of technical objection ?—Would you mind telling me what the exact wording was ?

153. That the Finance department object to allotting money out of loan funds to local self-governing bodies ?—I see what the point is. What we cannot do is to use borrowed funds to make grants-in-aid.

154. There is no rule against lending money ?—We can borrow money to lend it again, or we can lend money out of our own revenue.

155. Would you have any objection if the Finance department were placed under a minister ?—I can only answer it from the point of view of a plain Financial Secretary. In fact I have no right to speak in any other capacity. As Financial Secretary the only answer I can give is that I do not mind who is the head of the Finance department provided he knows his job.

156. *Khan Bahadur Hidayat Husain* : In regard to giving grants-in-aid to local bodies, do you insist before giving the grants that they should exhaust their sources of income before you give any grant ?—No, we do not go on that principle at all. It depends very largely on the value of the work they want to carry out and also on the nature of the local bodies. For instance in the case of municipalities such as Benares or Muttra, or any other pilgrim centres, we give grants-in-aid certainly very much more freely than to ordinary municipalities which are not pilgrim centres simply because a place which is not only of provincial importance but also of All-India importance has a better right to call on provincial funds. It does not depend in the least on having exhausted their resources.

157. Supposing diarchy were to be maintained would you allocate separate sources of revenue to the transferred departments ?—You mean a separate purse ? Personally I object to a separate purse in any shape or form. The result of having a separate purse would be that you would have to take some 60 lakhs in ten years more out of the pockets of the taxpayer merely to keep the purses separate. You are bound to have an adequate balance in both, and to do that you would have to take 60 lakhs of additional taxation out of the taxpayer merely to do that and for no other cause whatever. We have to maintain an adequate balance in any budget.

158. *The Chairman* : You mean it will be an increased administrative charge ?—It will be an increased administrative charge merely maintained there so as to have your reserve. I have all my calculations on paper and I can show it to anybody who wishes to see the calculations.

159. *Mr. Srivastava* : You have got to maintain reserves ?—You know what the Finance Member says in every budget, that he must have a balance of so much. Precisely the same will happen if we had

* Vol. IX.

* Mr. Blunt subsequently supplied a figure of 99 lakhs as the amount that could be raised by additional taxes. The elasticity of revenue will, however, be much greater than this owing to growth of existing sources, profits from irrigation and hydro-electric schemes, etc.

a separate purse. If you have two separate purses you will have to have a balance for each purse, and to keep both those two separate balances instead of one balance would cost you 60 extra lakhs in ten years.

160. *Dr. Shafaat Ahmad Khan*: Could you give us an idea of the percentage of revenue contributed by the rural classes and that contributed by the urban classes?—The rural contribution to provincial income is about 77·4 per cent. That is apart from the local cesses. It is an estimate.

161. Does this estimate differ from the estimates given by you before the Taxation Enquiry Committee?—It is made out in the same way but it is on later figures and has been worked out possibly more correctly. I can explain how I got that.

162. *The Chairman*: All Land Revenue?—All Land Revenue.

163. All Irrigation Revenue?—All Irrigation Revenue; a large proportion, which I personally estimate at 50 per cent., of Stamp, Excise and Registration Revenue.

164. All Forest Revenue?—Not all Forest Revenue. Most forest produce goes into the timber market. The rural share is probably quite a small part. I have taken an estimate of 15 per cent. of the income from all other heads.

165. *Dr. Shafaat Ahmad Khan*: Do you think that our resources are inelastic, that they cannot be developed?—Yes.

166. Please turn to page 88,* paragraph 86 (of the United Provinces Government memorandum, volume I). You say there that Government accordingly provided in the budget for new expenditure to the amount of 151 lakhs?—That was for 1921–22.

167. Yes. Now, if the resources are inelastic do you not think that it was an excessive provision for a province like this in the beginning of the Reforms? —*De mortuis nil nisi bonum.*

168. Do you really think the control of the Finance department over other departments has been excessive?—You had better ask the other departments, I think.

169. The other departments do complain?—I do not think they all complain. Perhaps I can put it in this way. They give us every opportunity to control. For instance I have more than once been asked whether a department may spend money, actually allotted in its budget to a particular object, on that very object. We get something like 18,000 references from other departments yearly asking in one form or another, "may I do this, that or the "other." So that if we have overdone our control over them it is their own fault.

170. It would simplify matters if they did not ask for such advice?—So long as they do not do the wrong thing.

171. *The Chairman*: You do not mind telling them?—No, except that it is rather a severe tax on a very heavily worked department.

172. *Dr. Shafaat Ahmad Khan*: As regards the question of debt, did you start a uniform consistent policy with regard to the repayment of debt from the beginning of the Reforms? I am talking of the pre-Reform irrigation debt and the post-Reform irrigation debt?—I think you know the position as well as I do.

173. *Sir Arthur Froom*: I think in answer to a question put by the Chairman you said you would be satisfied with the resources of the province for the next ten years?—Yes. There is growth included in those figures. There is a whole cycle of settlements now starting and the figures I have obtained from the Secretary concerned show an average increase of 4 lakhs a year. Of course it will not all come in that way. It will be more in some years and less in others, but it works out to an average of 4 lakhs a year. Then there is the additional revenue we are hoping to get from the Sarda canal, which I have taken into account. I have also taken into account the working expenses of that canal. Then, we have also got a whole set of hydro-electric schemes. I have taken that into account too.

174. Then your grievance as I understand it is that you have got no great elasticity in your revenue. You want more money. Might I ask your opinion as to whether this province is adequately taxed generally? Is it undertaxed or over-taxed?—I can give you the figure. At present it is Rs. 2·7 per head. It is higher than Bengal, Bihar and Orissa and Assam.

175. For instance, I notice you refer to motor-tax in this province.—It is a local tax and not a provincial tax at the present moment.

176. Do you consider that it might be a considerable source of provincial revenue?—We put it on for one year and to the best of my recollection we made 2 lakhs out of it; but that was some time ago; now with the increase in motor traffic, it would be higher. But it is a very difficult tax to collect and to administer and also it is difficult because you will find yourself interfering with the local tax.

177. Did the tax go to the general revenues or did you earmark it to roads?—A portion of it was actually given to the roads.

178. One other question I would like to ask in connection with the Central Government. In the matter of finance do you find that the Central Government exercises much control or is the control such as might be irksome or is it necessary?—I consider that the Central Government certainly does not control more than is right.

179. Do you think it is correct?—I think the control which exists at present is certainly correct.

180. If finance were made a transferred subject, do you consider that the same amount of control by the Central Government is required?—The control, I may say, is almost entirely in connection with borrowings.

181. You think that it will have to continue in the event of finance being transferred?—Personally, I cannot think of any time, under any system of Government, or under any circumstances, when the Central Government can afford to give up the control of the money market; somebody has got to control it.

182. *Sir Zulfiqar Ali Khan*: You said that some landlords in this province are very big men?—Yes.

183. Are they in very large numbers?—That I cannot tell you with any certainty.

184. But still they are nothing as compared with the masses?—Oh, no. If you wish I can easily find out the figures for you.

185. In the future Constitution of India, supposing the franchise is lowered then the tenant classes have the greater possibility of being represented in the council?—Yes.

186. Under those conditions the representatives of the big landlords will be much fewer in number than the representatives of the tenants?—Yes.

187. Do you not think that the representatives of the tenants would pass measures to exclude this class from the rest?—I think you are assuming that because the number of electors amongst tenants will increase they would necessarily elect tenants rather than landlords. I should say that is a very large assumption.

188. Would you suggest any constitutional safeguard for the protection of the vested interests of these landlords?—I am no politician. You are taking me outside my sphere; I have not thought out the question.

189. You may possibly suggest some means of protecting the interests of these landlords?—I cannot think of any. In this province the landlords will always be capable of taking care of themselves, and I do not think that the fears which you appear to entertain are likely to be realised in this province.

190. They will not be realised?—No.

191. How can you ignore the larger representation of the rural classes?—You are suggesting that the landlord is not a fit representative of the tenants.

192. *The Chairman*: But some people hold that view?—Yes, they hold that view.

193. *Sir Zulfiqar Ali Khan*: Landlords represent

* Vol. IX.

their own class ?—Yes, but if they are elected by their tenants they represent the tenant class as well.

194. If the franchise is lowered then the tenants will come in ?—I think that if the tenants want to come in now they can, why should they not vote for their landlord.

195. *Sardar Shivdev Singh Uberoi*: May I know if the beneficent departments in charge of ministers have been receiving full response from the Finance department of the Government ? Are their proposals for the extension of their departments met fully by the Finance department ?—As fully as we could. I have figures here—they are complicated—but I should say that in no year, did the transferred departments, out of the additional money that was available, get less than 70 to 75 per cent. at least. I will not go so far as to say that the transferred departments have got as much money as they wanted, or even needed. But I will say this much, that they got as much as we could possibly give them.

196. Has it occurred several times that their proposals have been turned down for want of funds ? —That is constant. They invariably give us proposals for expenditure in the neighbourhood of a crore of rupees when we have never had additional money to spare of more than 30 to 40 lakhs. Naturally in these circumstances some of the proposals must be turned down.

197. Is there any method by which money is distributed between the reserved and transferred departments ?—The method of distribution is entirely in the hands of the Government as such, and not with the Finance department. The only thing that the Finance department decides is how much money is available. Government then decides how much money is to be given to the reserved and how much to the transferred departments. The members and ministers then meet respectively and sub-divide that amongst their departments.

198. *The Chairman*: I want to know whether the practice in your province is the same as that which obtains in the other provinces we have so far visited. We were told that before the budget is prepared the secretaries of the departments meet, I think, usually under the chairmanship of the Finance secretary and each department puts forward what its requirements are. Usually it is found that the requirements total to a larger amount than the money available. Then the secretaries have a preliminary discussion as a result of which certain things are dropped. The budget is then prepared which, I understand, is considered at a meeting of the whole Government at which the decision is arrived at which is always amicable.

The Witness: That is not our system; it is similar but it is not the same.

199. *The Chairman*: Would you describe your system ?—During the year all departments, reserved and transferred alike, send us from time to time proposals for new expenditure which they would like to see included in the next budget. Those are examined and considered on their merits. If the expenditure is desirable we then put them on a schedule, that is to say, a list of new expenditure. From time to time these proposals also go before the Finance Committee who express their opinion upon them. If they object to any proposal it is usually cut out of the schedule. Then the budget is prepared for the sanctioned expenditure only, and sent to the Finance Member. The Finance Member decides how much money he has got to spare for additional expenditure. Then there is a meeting of the whole Government at which the budget is considered generally, and at which it is decided by agreement how much money shall be allotted for new expenditure, and of that amount how much shall be allotted for reserved and transferred departments respectively. Naturally there is a certain amount of discussion over that, but the decision arrived at has, in my experience, always been amicable.

200. You spoke of a department sending in to the Finance department any proposal for new expenditure and then you said that if the Finance department thought it to be a good proposal they would push it forward to the schedule. What I want to know is has the Finance department any final right to turn down a scheme or is it not a fact that a minister can always insist on his scheme being considered by the Government as a whole ?—There is no doubt that the Finance department has no right whatsoever to turn down any scheme. It can say that it disapproves of it for this or that reason, but having said that it can say no more. If the minister then says, "I do not care for your opinion. "I will go on with this scheme," all it can do is to insist on the case going to the Governor to be considered by the Government. That is according to the Devolution Rules.

201. The practice here is strictly analogous to the English practice. We have this complaint as far as I know, and I am speaking with some knowledge of these things. A minister may very much desire to spend money on some new project, but his proposal will have to go to the Treasury. The Treasury consider it in the first instance and the Treasury very often will say that they do not approve of it. But it does not end the matter. If the minister is satisfied that the scheme ought to be considered he brings it before the Cabinet. Of course in the Cabinet the Chancellor of the Exchequer is a very important person, but the Treasury cannot overrule the Cabinet's decision. What I mean to say is it is not true here that the Finance department has got final veto. That, I think, is correct ?—That is absolutely correct. There is one other thing I wish to state, sir, because a charge is often flung at us, even in clubs, that *we* have cut this or that item of new expenditure from the schedule. We never can cut out anything from the schedule; once it is entered in the schedule the only person who can cut it out is the Member or Minister concerned. Once we have got the money allotted to the reserved or transferred departments, then it is the Members and Ministers who decide what new items are to be put in the budget from the schedule and what new items will have to be left out.

202. *Dr. Suhrawardy*: In view of the apprehensions entertained by the landlords of their being swamped by their tenants in the event of further lowering of the franchise, what do you think of the suggestion of fixing a higher property qualification for candidates than for electors as was the case originally under the Minto-Morley Reforms ?—In reply to the first part of the question I can only say that I was not aware that landlords were afraid of being swamped by their tenants; and as regards the rest of it I have not thought about it. You are taking me outside my usual beat.

203. *The Chairman*: Let me put one or two questions on the separation of audit from accounts. Do I understand rightly, Mr. Blunt, that the scheme for the separation of audit from accounts, proposed by the Government of India and now being worked in this province, is in an experimental stage ?—Yes, that is so. But may I just qualify the first part of that because, I think, we had the idea before it was mooted in the Government of India. Sir Basil Blackett started it, but we had, as a matter of fact, been asking for it a year before it was started.

204. The idea no doubt occurred to more minds than one. But the essence of it is that in other provinces of India is the work of audit of provincial accounts carried on under the same authority as the work of keeping those accounts ?—Yes.

205. I suppose you rely on the proposition that in principle audit should be independent of the authority responsible for keeping accounts ?—Yes.

206. Apart from your special scheme, is it the officials of the Auditor-General's department who keep the accounts ?—Yes. Under the old scheme the officers are under the Accountant-General who is one of the Auditor-General's men and all his

subordinate staff are also under the Auditor-General.

207. So that when money is spent or received on public account in the province, the official authority that keeps the account is really a central authority ?—Yes.

208. And I gather from your document—not quite so promptly as one would wish—that you get the final check by the other body ?—Yes.

209. The scheme which the late Finance Member of the Government of India framed and which is being applied here is a scheme by which the accounts are kept by provincial authorities and the audit of them rests in the hands of the central authority ?—Yes.

210. Apart from the theory would you just very briefly state what the principal practical advantages are which you think this United Provinces scheme has ?—I should like to distinguish first between the advantages which result from changes made in the form of accounts, and the advantages which come from the scheme itself. The main one is the facility which it gives to the controlling officers to control expenditure. We have now our accounts definitely in our power. We have arranged them in such a way that within a very short time after the end of every month the controlling officer is in possession of the figures of expenditure for that month. From time to time we also give him running totals of all expenditure; and if he cannot control on these lines then he cannot control at all. The proof of that has come out in certain figures. Formerly, before the first year of the new scheme, the best that we ever did in approximating our actual expenditure to our budget estimate was about 3½ per cent. In the first year after our scheme we arrived at a figure of 1·36 per cent. and in the second year, last year, it was 1·86. In other words we have improved our control by 100 per cent. already.

211. I want to read two passages from this memorandum. The first is on page 93*. You say that under the old system there was delay in the preparation of the accounts; in fact, the accounts of a month were seldom ready till at least two months later ?—That is correct.

212. I contrast with that page 95* where you say, " The result is that the departmental accounts, in-" stead of being two months late, are ready within " a fortnight at most of the end of the month to " which they refer "; with the result that the heads of departments do not experience any difficulty in ascertaining the progress of their expenditure and in controlling it ?—Yes, that is it.

213. I do not profess to know much about this subject in the British Administration, but the plan followed in England is a plan under which there is a departmental account kept ?—On page 629* of our third volume we compare the British and our systems.

214. Have you got any other advantage ?—Yes; it is going to improve audit ultimately. There is no doubt about that. In the first place, we have pre-audit. That is of great value to an officer or other creditor, because it means that the moment that his bill has been paid and he has received his cheque, he has heard the last of it. Under the old system, to give one instance, one would very often be called upon to refund six months after one had received it, not because of any sin committed, but merely because the accounts people had not discovered before that time that one had been reverted or promoted as the case might be. In fact, that was a regular happening with the members of the Indian Civil Service.

215. And you think this new method avoids that ?—Yes, it avoids that. Besides, pre-audit now is real audit. Under the old post-audit the same man who kept the accounts audited them. He had to keep his accounts up to date because he would be found out if he didn't: but he could scamp his audit, because the only sign of his having audited was a green pencil tick mark.

* Vol. IX.

216. What strikes me as a mere spectator of this interesting plan is that there must be advantages in the method by which the audit, that is to say the inquiry as to why money has been spent or whether it has been spent in the right way and all that, is conducted by an independent person ?—There are several kinds of audit. What we call the pre-audit of a bill by the person who pays it is very much the same check as a cashier in the bank will exercise when you present your cheque. He has got to see that it is formally right in every respect; though of course the transaction in the case of the Government covers perhaps hundreds of items and is a very much bigger thing than an ordinary cheque. This is all absolutely routine audit. After that, on the top of that, we have an audit of the accounts themselves.

217. By the Auditor-General ?—By the Auditor-General, yes.

218. *Lord Burnham*: I cannot conceive anything better than what you have got. You have stated here, " Further, inasmuch as the accounting staff " is an expert staff, the amount of routine work that " devolves on audit has greatly diminished, and the " audit staff ought to be able to devote itself to more " important inquiries and investigations." Are they doing it ?—As a matter of fact we are now at the beginning of that. In the first year they gave us cent. per cent. audit of the accounts, absolutely complete. They are only now having a test audit. But they are also doing now higher audit, what corresponds in England to administrative audit. That is to say it is no longer directed to the question whether the expenditure is regular or not; the question for higher audit is, whether the expenditure was necessary or suitable.

219. *The Chairman*: Let us keep to the facts now. First of all when was this new system begun ?—1st April, 1926.

220. With the approval of the Government of India and the Secretary of State ?—Yes.

221. And I understand that it was authorised in the first instance for an experimental period ?—Yes.

222. There is no time fixed for you to see how it works ?—Yes.

223. As far as your experience of it goes, do you consider that it works satisfactorily and is a better system ?—I certainly do, yes.

224. As far as you know, is there any adverse comment in regard to the merits of the system ?—I have had adverse comments, but they are mostly on points of detail, and I think I can answer any one of them. I know it is very much liked by people who are the most concerned, that is the disbursing officers. I think I can safely say that there would be an outcry in the province if we were to try to go back to the old system now.

Mr. Srivastava: We know it is a very good system.

APPENDIX (*Vide* p. 228, Q. 92).

Copy of D.O. letter from Mr. B. D'O. DARLEY, C.I.E., Chief Engineer, Irrigation, No. 86*—I.E.B., dated Lucknow, January* 25*th*, 1929.

When giving evidence before the Simon Commission, Sir John Simon asked me to obtain for him a statement showing the number of revenue subordinates punished for corrupt practices in the Irrigation Branch of these Provinces during any year.

Before proceeding further, I would like to explain the position. A " patrol " or an " amin " may be corrupt either by combining with the cultivator to defraud Government, or, if the cultivator will not agree, by oppressing him. This can only be done by writing up fields as irrigated which have not received water, or by showing the cultivator as having grown a high-grade crop, which is charged at greater irrigation rate than the crop actually grown and irrigated. I explained in detail to the Commission the method adopted to stop such practices, viz. a check by a large number of superior officers who move round

constantly in camp going over the country checking here and there in as many villages as possible, and always being at hand to listen to complaints from the cultivators. As far as the oppression of the cultivator is concerned, rules under the Canal Act give him a right of appeal against any unfair assessment. At the end of each irrigating season a slip is distributed to every cultivator informing him of the fields irrigated, nature of the crop, irrigation rate and the total demand which will be made from him. Within 15 days of the receipt of that slip he has a right to appeal to the Sub-divisional officer against any item, and it is incumbent on that Sub-divisional officer or other senior revenue officer whom he may depute to go to the site and investigate the complaint. There is almost always evidence available to show whether these complaints are correct or not. When found correct, the revenue official who made the mistake is always called upon for an explanation. In many cases it is found to be a bona-fide mistake without any bad intention behind it. If, however, there are a number of such complaints in any one beat, and evidence is convincing that the revenue official concerned has been attempting to oppress the cultivators, he is at once dismissed. More often than not, however, it is most difficult to decide whether it is a case of carelessness or dishonesty. In such cases the revenue official is often given the benefit of the doubt, but is usually fined or his pay reduced, and he gets a warning that if there are further complaints against him he will be dismissed.

The actual number of cases where subordinate revenue officials were dismissed for undoubted dishonest practices was 12 in 1925, 11 in 1926, and 10 in 1927. On the other hand, fines or reductions were imposed on 56 men in 1925; 53 men in 1926; and 62 men in 1927. As I have said, however, in these latter cases, it is impossible to say definitely that dishonest practices were involved.

LUCKNOW.

Dated, 4th December, 1928.

Morning.

PRESENT:

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND) AND OF THE UNITED PROVINCES PROVINCIAL COMMITTEE.

Mr. T. SLOAN, I.C.S., Officer on Special Duty, Government of the United Provinces.

1. *The Chairman*: * * * Mr. Sloan, some of us know you best as Reforms Secretary for the province; you were the officer specially detailed, were you not, to assist in the preparation of material for the Commission?—Yes.

* * * * * * * * *

21. Do you consider that this power to add two experts for particular Bills has shown itself in the United Provinces to be a useful provision?—I think it has been very useful. For instance, in the case of the Agra University Bill it enabled the Governor to put on the council for the purposes of the Bill the present vice-chancellor of the university, Canon Davis, who was Principal of St. John's College in Agra, and who had had a large part in the discussions which led up to the introduction of the Bill.

22. Just tell me one thing about it which is rather interesting to those of us who are members of the Parliament at Westminster. When the Governor puts an expert on in connection with a particular Bill, does that expert have the power to vote and to take part in the debates on all the business of the council during the period of his membership, or does he vote and debate only on the particular Bill that has been the cause of his addition?—I have no actual experience, but I take it from the provisions of the Act, which says "in relation to the Bill," that he has got the right to sit and vote only on business relating to the Bill.

Dr. Suhrawardy: That is so in Bengal.

23. *The Chairman*: I am much obliged. * * *

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37. Would you please tell the conference what is the division between rural and urban in this province—I mean what is the size of the town which will cause that town to be classed as an urban area for the purposes of the distribution of constituencies?—The towns included in the urban areas have all got a population of 70,000 persons or over.

38. *I think* there are ten of them altogether?—Yes; I think that is the number.

39. The Conference appreciates that that is a rather striking contrast with the arrangements which we have come across in some other provinces. There are provinces of which we have already heard where the line is drawn at an urban population of 10,000, so that if you had a number of towns of over 10,000 population you grouped several of them together, and made a single urban constituency by putting together four or five towns; but I gather that is not the plan that has been followed in the United Provinces?—No.

40. You have thrown all the towns, even towns which are something short of 70,000 inhabitants, into the rural areas?—That is so.

41. There is a sentence at the end of paragraph 177 which perhaps has a bearing on it, on page 163. I see the book says: "If the smaller towns had been "included in urban constituencies it would have "been necessary to group a considerable number of "them together and the constituencies so formed "would have been entirely lacking in any community "of local interest."—Yes, that was, I believe, what influenced those responsible at the time for excluding the towns in these areas from the smaller constituencies.

42. On the other hand, one would rather expect that the rural interests of the United Provinces may urge the criticism that if you throw large towns into rural constituencies they tend to urbanise the agricultural character of the constituencies. I do not know whether that criticism is made?—It has been made. I think it is referred to in one place, namely, paragraph 182 on page 166.*

43. Anyhow, that is the arrangement?—Yes.

* * * * * * * * *

132. *Mr. Cadogan*: While I am expressing no view about the franchise, I should like to ask one question on that subject—whether in your view, Mr. Sloan, there are at the present stage of advance any substantial obstacles to the widening of the franchise,

* Vol. IX.

and if so, what are those obstacles ?—Well, there are certain practical difficulties in the actual matter of machinery for dealing with a larger franchise. Our resources are limited at the present moment, and in some districts we have had reports that even with the present franchise and the present number of voters coming forward, the election arrangements tax the resources of the district in personnel very considerably. I do not know if there are any other practical difficulties.

133. Chiefly physical difficulties ?—I do not quite follow what you mean.

134. What are the nature of the difficulties, actually ?—Well, finding staff actually to deal with the polling. That is what I am thinking of.

135. *The Chairman* : I suppose if we had adult suffrage, that would mean that 24 million people would have the right to cast a vote ?—Yes.

136. At present, apparently, there are about a million and a half ?—Yes.

137. I think what Mr. Cadogan means, if I may suggest it, is this. Suppose, for the sake of argument, that adult suffrage was introduced, and that 24 million people had to be dealt with, do you see any difficulties in dealing with so large a number ?—Yes, very considerable difficulties. I do not think at present we could get a reliable staff to record the votes of anything like such a large number.

138. *Lord Burnham* : But you do not suggest that as touching the fringe of the question, do you ?—I am suggesting it merely as a practical difficulty. It is not for me to express opinions as to the political aspect of the matter. I was rather keeping off that.

Mr. Cadogan : I see. I will not press the question.

139. *Lord Strathcona* : At page 169,* paragraph 189, I find this statement: "The most frequent "substantial ground of objection has been previous "conviction for a criminal offence" ?—Yes.

140. Does that mean that there is a statutory disqualification ?—Under the rules there is such a disqualification. That relates to criminal offences of a certain nature.

141. Only certain ?—I am afraid I cannot give you the exact terms of the rule, but I think it relates to convictions for offences punishable with imprisonment for more than six months.

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145. It has been suggested that as the percentage of land revenue to assets has been reduced from 50 to 40, that the land revenue qualification should be reduced from Rs. 25 to Rs. 20. * * * Could you tell us what would be the increase in the franchise due to that change ?—The exact figures are not available, but on the figures available we estimated it at about thirty thousand persons.

146. So under that there would be an increase in the United Provinces of thirty thousand electors ?—Yes.

147. I think the present electoral strength is about 3½ per cent. of the population. Is it not ?—Yes.

148. And the change will take you up to 3·6, I think ?—It would hardly be that, I think.

149. So the change is very small ?—Yes, very small.

150. * * * On the question of the franchise, to what extent will the franchise be extended by any particular reduction in the qualifications relating to that ?—We have not gone into it in detail; Government have considered it as a general matter, but they have not gone into it in detail and considered what increase would be involved by any particular reduction of the qualifications.

Mr. Hartshorn : All that the Government have done is to consider the question of what will be the effect of adopting the adult suffrage; and you do not consider it as practicable. But has any other proposal of extending the franchise been considered beyond considering to what extent franchise would be increased if you reduce the land revenue qualification ?

151. *The Chairman* : I think it is necessary that we should have an estimate of the number of additional members which would result supposing you were to reduce the qualification to a certain definite limit. How much difference will it make if instead of saying that every one has a vote who pays a rent of Rs. 3 a month you reduce that qualification; or again, take land revenue. Do you not think that some estimate should be got at ?—I am afraid, sir, we have not got any figures regarding the urban franchise; it might be possible to get the figures and send them later. With regard to rural franchise, I think we have got on record certain figures showing the number of tenants, for instance, paying less than Rs. 50, and these could be made available. I shall certainly see what we have immediately available and let you have them.*

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158. You know that the number of women voters in the province is very small. What is the reason ?—You want to know why only few women possess the existing franchise qualifications ?

159. That is due to the property qualification ?—It is due to the property qualification, I think.

The Chairman : Because women must have in their own right qualifications which are primarily intended for men.

160. *Mr. Srivastava* : Can you make any suggestion for the extension of women's franchise ?—I should hesitate to do so off-hand; I have not thought the matter out.

161. Although the franchise has been extended, yet the number of those who get the franchise is so small ?—And the number that has used it is still smaller.

The Chairman : What sort of change would occur to you, gentlemen, as one which would be more effective ? Is there any suggestion made to change it ?

162. *Mr. Srivastava* : The suggestion was made to make it a literary qualification. (To the Witness) : What do you think of that if you make a literary qualification for women voters ?—In 1920 this question was thoroughly threshed out, sir. I do not think you could apply a qualification based on literacy to women and deny it to men.

Lord Burnham : Is it "literary" or "literacy" ?

Mr. Srivastava : I say now "literary"; it might come to "literacy" later.

The Chairman : The idea is that a woman should have a vote because she has passed a certain test ?

Mr. Srivastava : It will have to be some sort of test. That is the idea. I should rather think that even if we take "literacy" as the test, there would not be a large increase in the number of voters.

The Chairman : It is not enough to consider the test only; you must consider how you will apply the test ?

163. *Mr. Srivastava* : Supposing it was decided that literacy should be the test, what do you think of that ?—In the first place I do not think you can distinguish women from men in the matter of that qualification. You could not apply such a test to women only and not to men. Also I think there would be considerable difficulty in preparing an electoral roll unless you had a preliminary examination beforehand to find out who was and who was not qualified.

164. *Lord Burnham* : A franchise examination ?—Yes.

165. *Mr. Srivastava* : But was not this matter of a literary qualification discussed by the Franchise Committee of 1919 ?—It was and rejected.

166. It was rejected not because they thought that there would be insuperable difficulties ?—Well, at any rate they rejected it.

167. You do not think that the literary test could be applied for the purpose of extending women's franchise ?—I am not prepared to say that it could

* Vol. IX.

* *Vide* Appendix, p. 238.

not be applied, but I think there will be very great difficulties in the way of it.

168. Can you tell me the number of taluqdars and landholders that are elected by general constituencies ?—It has varied between 40 and 50, I think—46 in the first council, 51 in the second and 45 in the third.

169. Do you think that they are experiencing any special difficulties in getting in through general constituencies ?—So far they have not experienced very great difficulties.

170. What is the reason why Indian Christians and Anglo-Indians have not been given special constituencies ? What were the special reasons in their case when you gave it to the Europeans ?—Well, I cannot say what were the reasons at the time. I think it would be more difficult to form constituencies for them than for the Europeans.

171. *The Chairman* : I think the position is this. Looking at the provinces as a whole, the only province in which Indian Christians elect their representatives is Madras. And as regards Anglo-Indians my impression is that Anglo-Indians elect two representatives in Bengal. Do you know why it was not done here ?—I cannot say.

172. *Mr. Srivastava* : Do you say that it could be done here, because you know that nomination is not a satisfactory method of representation ?—It might be possible in the case of Anglo-Indians, but I think there would be more difficulties in the case of Indian Christians who are scattered throughout the province in a large number of villages. They are not gathered in head-quarters to the same extent as Anglo-Indians and Europeans are.

173. Well, give them votes by post. Will there be any difficulty then ?—There again I think it would be unsatisfactory in the case of Indian Christians because of the low standard of literacy.

174. Do you think that Commerce and Industry are satisfactorily represented in the council ?—That is really a question on which I do not think I am authorised to express an opinion.

175. What I mean is this. You know the position of these two Chambers of Commerce. Do you think they comprise all interests ?—I think that between them they certainly comprise the main commercial interests of the province.

176. Do you know there are a lot of trade and industrial interests at Cawnpore which are not properly represented in the Chambers ?—But such interests are eligible for membership of one or other of the Chambers.

177. Supposing they do not want to become members of the Chamber, why should they become members only for the sake of getting a vote ?—I will only say if they do not want a vote, I see no reason to give them separate representation.

178. *Mr. Srivastava* : The Chambers do not serve their particular interests. You take a case like that of Messrs. Murray & Co. They are not eligible for membership of the Cawnpore Chamber. If they apply they will not be taken there ?—Firstly, I should say that they have got no special interest which deserves to be specially represented. I presume the directors of Messrs. Murray & Co. have votes as individuals.

179. Their managers and employees will have votes as individuals ?—Yes.

180. But not Messrs. Murray & Co. as such. You do not think there is any special need for special representation for such trades as are not represented on these Chambers and cannot be represented on them ?—On general grounds I should be opposed to any extension of representation of special interests.

181. In regard to factory labourers, do you think representation for them is necessary ?—I do not think it is necessary myself, personally.

182. Why ?—Because they are very much a part of the general population. People come from villages to the factories and go back from the factories to the villages. Then, factory legislation is a Central subject, and representation of factory labour on the provincial council would not affect factory legislation at all. If they should be represented at all, it should be, it seems to me personally, in the Central Legislature where legislation concerning their special interests is dealt with.

183. For instance, the workers in Cawnpore have got a common complaint in regard to the housing accommodation and so on. They think that nothing is done in these respects because they have no voice in the council ? Things of that kind will come within the purview of the local council ?—A great many of the Cawnpore labourers, I understand, are eligible for the existing franchise, and that actually in the 1923 election the labour vote did have a large influence in the election.

Mr. Srivastava : What influence ?

184. *The Chairman* : I should expect you, Mr. Srivastava, could tell us better about it. You know of course that the payment of a rent of Rs. 3 a month entitles one to get a vote. We saw some factories in Cawnpore yesterday ; would not a large number of persons employed in the factories there obtain votes ?

Mr. Srivastava : What happens in Cawnpore is this. You saw yesterday the Lalimli settlement. The mills charge Rs. 1 and Rs. 2 rent from their workers. But that applies to two mills only in Cawnpore. The workers in the remaining mills live in the city, and with them the general system is, one man takes up a place for, say, Rs. 5 or Rs. 6 a month, and probably seven or eight people live with him. So, there is one man getting the vote, of course if he is careful to get his name registered, and 6 or 7 persons go without the vote.

The Chairman : I see. Thank you very much. That is very common, you think ?

185. *Mr. Srivastava* : Yes. (To Witness) : That is a special reason ?—If these are accurate figures that means to say that about 1 man in 7 gets a vote. It means that out of 83 thousand odd men some 11 thousand men have votes ; and the total number of voters in the Cawnpore urban area is 23,000, so that they are a very important class in the constituency. There are 85,000 factory labourers in Cawnpore, I think.

186. I see the figure here. How do you get these figures ?—These are 1926 figures, which are the latest available.

187. Actual workers, or labourers with their dependants ?—Actual labourers.

188. *The Chairman* : On page 159 I see that the figure given for factory labourers is 85,517. Is that not for the whole province ?—I beg your pardon, sir. That is so. It is only 30,000 in Cawnpore. That is my mistake. So, that does reduce the proportion very largely.

189. *Mr. Srivastava* : Then, would you not suggest giving them votes ?—Well, I am afraid I am not authorised to commit the Government, and I would rather not express my own personal opinion which is of no value.

190. *Kunwar Bisheshar Dayal Seth* : Will you please just tell me what is the size of the average rural constituency ?—I think the average area is given as just under 2,000 square miles.

191. Is it possible for the candidates returned to the provincial council to remain in touch with their constituents ?—That is a matter of opinion. It is certainly difficult, but I should not say it is impossible.

192. Have they been in touch ?—To only a very small extent, I should say.

193. If the area were to be reduced, would the members remain in touch better ?—There again I should rather hesitate to prophesy.

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199. *Khan Bahadur Hidayat Husain* : Suppose the Intermediate pass was made a qualification for being an elector to the United Provinces Council, do you think there would be any technical or inherent objection in it ?

The Chairman : I did not quite follow the question.

Khan Bahadur Hidayat Husain: Suppose the Intermediate examination pass was made a qualification for being an elector——

The Chairman: Any one who passes the Intermediate examination should on that account have a vote ?

Khan Bahadur Hidayat Husain: Yes.

The Chairman: Yes, what do you want to ask the witness ?

Khan Bahadur Hidayat Husain: I want to ask him whether there is any objection.

The Chairman: The witness has already said that he has no power to decide matters of policy. Perhaps you want to know whether that is a scheme which would work ?

Khan Bahadur Hidayat Husain: Yes.

200. *The Chairman*: Mr. Sloan, what the Khan Bahadur would like to know is this. Looking at it not as a matter of policy but as a matter of machinery, do you think that a list of electors drawn up including everybody who has passed the Intermediate examination would be a practical method ?—Yes, sir. I do not think there will be any particular difficulty.

201. A man of, say, 60 years of age is living somewhere in the United Provinces, and the question arises as to whether he should be put on the roll or not. You think it would be quite easy to decide it by discovering whether he passed the Intermediate examination or not ?—I do not think it would be quite easy. He would be able no doubt to produce proof.

202. It would be proof if he produces the certificate ? —Yes.

Dr. Suhrawardy: Is it for the university constituency ?

The Chairman: I gather it is for the general constituency.

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205. *Dr. Shafaat Ahmad Khan*: In your account of party organisation, Mr. Sloan, you refer to various factors and various forces working in the council. Now, can you tell me whether in the council, from 1921 to 1927, there has been a distinct or distinctive communal party ? Are there communal parties as such in the legislative council ?—I put it this way, that I think that communal feeling has increasingly become a factor in the organisation of the parties.

206. But, are there communal parties as such in the council ?—I am not prepared to say that there are communal parties as such ; no.

207. Those parties inside the council are organised on identity of political or social interests and not on identity of communal interests ?—I should rather hesitate to agree to that proposition, I think.

208. They had no distinctive communal programme inside the council ?—I think in educational matters, for instance, the Muslim party did have a definite communal programme.

209. Are you sure that they had a communal programme ?—I say it is a matter of opinion ; I cannot say it is a fact.

210. Is it not a fact that during all these years there have been only two occasions, one on November 6th, 1922, and the other in February, 1926, when there had been, what I might call, a communal feeling in the council, and with the exception of these two occasions there has absolutely been no communal feeling as such inside the council ?—I have not been personally a member of the council, but that is certainly not the impression that I have gained from my knowledge of the council and from people who are members of the council.

211. As regards the keenness of voters do you not think that the voters are keener now because they take a greater interest in the election and in the work of the council ?—I think the increasing efficiency of party organisation has certainly had its effect on the interest of the electors.

212. May I refer to a question that I asked in the council (I do not know whether you have read it) on March 28th, 1927, in answer to which the percentage of voters and the number of electors for each constituency was given, and from that it is clear, is it not, Mr. Sloan, that in some constituencies as many as 70 to 75 per cent. of voters voted at elections ?—Yes.

213. Does it not signify a greater interest on the part of the electors ?—It does.

214. Is it true that the officials have voted in the council on all occasions practically as a united body in the transferred and reserved subjects ?—As a general rule, yes.

215. The only exception, I believe, was in connection with the question of the District Board Act of 1922 on November 6th and 7th ?—Yes, that was an exception.

Dr. Shafaat Ahmad Khan: Do you think that the officials could have refrained from voting on transferred subjects under the Act ?

The Chairman: I do not follow the question.

Dr. Shafaat Ahmad Khan: The question is this, sir: was there any convention established whereby the officials could have refrained from voting on transferred subjects ?

216. *The Chairman*: I think your question comes to this, is it not ? Was it the practice in the early history of the council that the nominated official members abstained from voting when the subject was a transferred subject ?—I am not aware of it.

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222. *Mr. Desanges*: What is the European population in these provinces as compared to the Anglo-Indian population in these provinces ?—I have not got the figures available at the moment.

223. Taking it roughly, it is about on a par, is it not ?—I am not prepared to say that ; I will look up the figures and tell you.*

224. Assuming that these figures are about on a par, so far you have had no difficulty in conducting elections for the European candidate for the council ? —No.

225. Therefore you would have no difficulty if the Anglo-Indian member was elected and not nominated? —I am not prepared to say there would be no difficulty. It has been held hitherto that there would be difficulty. That is my position. I cannot tell you exactly at the moment on what grounds that has been held.

226. Without disclosing the reasons, if there are any, is it due to any policy of the Government that the member of the Anglo-Indian community should be nominated and not elected, if the European is elected ?—I do not think it is a question of policy at all. It has been a question regarded from the practical point of view entirely.

227. Passing on to another subject, is admission to membership in the Agra Landholders' Association different to that in the Taluqdars' Association at Lucknow in that you have to pay a revenue of Rs. 5,000/- for the membership of the Agra Association, whereas with regard to Oudh there is no minimum ?—There is no minimum ; that is a fact.

228. If you refer to page 77† of the memorandum you will find, " Two of its provisions tend to " nullify its efficacy as a measure to confer security " of tenure on the tenants." On reading that, my question is, the tenants in the province of Oudh are not quite protected as to the fixity of tenure ?— No ; they are not wholly protected.

229. And there is room for much improvement in that direction ?—I understand there is room for some improvement.

230. *The Chairman*: Would you just tell me this, Mr. Desanges ? I see that not only in Bengal is the Anglo-Indian member elected, as I just now said, but he is also elected in Madras and the total number of electors is not very large. Could you tell me what is the total number of the Anglo-Indian community here in the United Provinces ?

Mr. Desanges: They are spread mostly in the larger cities and I think the figure is about the

* *Vide* p. 238, Q. 233. † Vol. IX.

neighbourhood of the figure for the European community and if anything, slightly higher.

231. *The Chairman*: And your point is that if the European community in the United Provinces is not too scattered to elect, the Anglo-Indian community should elect too ?

Mr. Desanges: Yes.

232. *The Chairman*: Do you think that is preferred by the Anglo-Indians ?

Mr. Desanges: Yes, for many reasons. We are at a total disadvantage being nominated as compared with the elected members. Often if we wish to express opinions we dare not and even when we do express them we have to be very careful.

233. *The Chairman*: Elected member is a preferable position ?

Mr. Desanges: Yes. There is also another advantage. We can never aspire to be a minister by being nominated.

The Witness: I can now give the figures. In 1921 the Europeans were roughly 25,000 and the Anglo-Indians 9,000.

Mr. Desanges: My case is still stronger. If 25,000 people can elect their candidate it will be easier for 9,000 to elect their candidate.

234. *The Chairman*: You say the Anglo-Indian community is scattered in big towns where there are railways and probably here as in the Punjab the railway service includes a large number of Anglo-Indians ?

Mr. Desanges: Yes.

235. *Sir Hari Singh Gour*: It has been stated that the parties in the provincial council have been formed on questions of broad policies and not on communal lines. Do you recall to your mind that the Mussalmans as a body walked out from the Provincial council ?—They did on one occasion.

236. And it was on a purely communal question ?—It was, on the one occasion I referred to.

237. Why is it that only a very small percentage of Europeans have gone to the polls ?—I suppose the real reason is the feeling that they have only one member in the council and he is unknown to most of them. They are scattered all over the province.

238. They do not take much interest ?—They do not take much interest.

239. *Dr. Suhrawardy*: You have stated just now that the Mussalmans walked out on a particular occasion. Did they do so by themselves or did they follow any swarajist leader ?—I was not in the council myself at the time ; but I understand they did so by themselves.

240. *Sardar Shivdev Singh Uberoi*: I understand that no Sikh has ever been nominated to your council ?—No Sikh has been nominated ; they have been elected.

241. How many ?—Two at least have been elected.

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APPENDIX (*Vide* p. 235, Q. 151).

I was asked, when giving evidence, if any figures were available which would show the effects of lowering the franchise qualification. The only figures immediately available are those prepared in 1919 and they refer to rural areas. They are given below :—

Amount of Rent.	Hindus.	Muhammadans.	Others.	Total.
A.—All Tenants.				
Re. 1/- to Rs. 24/-	2,915,102	310,747	1,253	3,227,102
Rs. 25/- to Rs. 49/-	905,858	102,861	343	1,009,062
B.—Secured Tenants.				
Re. 1/- to Rs. 24/-	1,336,731	143,864	778	1,481,373
Rs. 25/- to Rs. 49/-	395,366	45,711	216	441,293
C.—Persons Paying Land Revenue.				
Re. 1/- to Rs. 24/-	381,944	65,872	236	448,052
Rs. 25/- to Rs. 49/-	108,434	17,020	49	125,503

The existing franchise is, of course, based in the rural areas mainly on payment of 50/- rent or 25/- land revenue.

(Sd.) T. SLOAN.
8th December, 1928.

Afternoon.

Mr. F. F. R. CHANNER, O.B.E., I.F.S., Chief Conservator of Forests, United Provinces.

1. *The Chairman*: Mr. F. F. Channer, you are Chief Conservator of Forests in the United Provinces, and I think you have had thirty-two years' service in this province ?—Yes.

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2. *Colonel Lane-Fox*: Will you first of all give us an idea of the extent of your department—the staff that you have, and so on ?—The staff under me consists of four conservators of forests in administrative charges. Three of them are in charge of territorial circles, with actual work in the forests going on under them, and the fourth is in charge of what is called the working plan circle ; he superintends all the working plans that are made, laying down what is to be done in each division separately ; he has no forest actually under his control. Under the conservators there is a cadre of thirty-five deputy and assistant conservators which at present has five posts vacant, so we have actually at present thirty deputy and assistant conservators who are in charge of divisions, the division being the executive unit by which the work is really controlled. The younger men among the assistant conservators are assistants to the divisional officers preparatory to getting a division themselves later on. Below the Imperial Forest Service there is a provincial service which has been recruited in the United Provinces, the men having been trained at Dehra Dun in the old provincial service class, which has now been abolished. That service consists of thirty-two members.

3. Are they employed in a junior capacity before they become deputy conservators ?—No. Originally there was no promotion at all from one service to the other ; they were entirely separate services. In 1920 (I think it was) new regulations were brought in by which promotion is possible, but only a very limited number can be promoted. There are five listed posts in the Imperial service which are now reserved for the provincial service, but the rest of them work for all their service in the lower capacity, holding charge of the minor divisions or working as assistants.

4. Does each deputy conservator have one or two of them under him ?—He generally has one, sometimes two and occasionally three.

5. I do not quite understand the relation between the provincial service and Dehra Dun, because you say you get them from Dehra Dun ?—The thing has been altered recently. Previously, Dehra Dun held a training class for the provincial service. That was the only one they held for gazetted officers at all. Recently, when the recruitment of Indians in India to the Imperial service began, that course was set up at Dehra Dun, and the research institute at Dehra Dun abolished the provincial service course ;

so now there is no training in India for the provincial service. In consequence, we have ceased recruiting for the provincial service except by promotion from the rangers, and it is before Government to do away with the provincial service altogether and have only two services: the subordinate service (the rangers and those below them) and the Imperial service—the Indian Forest Service, as it is more properly called now.

6. What proportion of Indians have you now among your deputy conservators?—At present, out of the thirty deputy and assistant conservators who are actually on the cadre, ten are Indians. Of the thirty-two in the provincial service, one is a European and thirty-one are Indians. When I say "Indians" I include all statutory natives of India; of those thirty-one, four are actually Anglo-Indians or Europeans born and domiciled in this country.

7. I suppose the forest area in this province is not so large as it is in many others?—No. Compared to Bombay, Madras, the Central Provinces, Assam and Burma it is extremely small; it is only 5 per cent. of the total area of the province.

8. How does the department work as regards profit and loss to the province?—The annual surplus of revenue over expenditure has been in the neighbourhood of 25 lakhs for some years; from five or six years ago until the year before last it was 25 lakhs of rupees. Last year it rose again to 32 lakhs, and for the current year we are expecting 29 lakhs.

9. Therefore it is a service of considerable value to the province?—It is of great value to the provincial revenues, yes.

10. You say on page 110*: "The fact that the hill "forests have a value that cannot be expressed in "terms of money has received little recognition." That follows on a suggestion that the local council has not always been sympathetic to you. What do you mean by that? Can you tell us what the value "that cannot be expressed in terms of money" is?—I think that remark on page 110 about the hill forests refers more to the effect of forests in hilly country in checking the run-off of water into the rivers and preventing erosion of hill-sides. Otherwise the hills are apt to be very rapidly eroded, landslips occur, a lot of valuable land is spoiled and the force of floods is apt to be increased. It is the physical effect of forests in that way that is meant. In the first paragraph of this chapter, page 107,* where Mr. Sloan wrote: "The value of the depart-"ment cannot, however, be measured merely in "terms of rupees," I was referring there to the economic value to the province of the forests, quite apart from the fact that Government gets 25 lakhs of rupees a year revenue out of them. The fact that all this timber is coming into the rest of the province for domestic and commercial uses is a very great asset to the province, and if the supply fell off and timber had to be imported the price of timber to those who could afford it would go up very much indeed, and a great many people would be quite unable to afford it, so that the standard of the houses constructed would go down. Not only the timber but other forest products too are of great value to the province, apart from the mere money value to the Government.

11. When dealing with hill forests, you have a certain amount of local opinion to contend with there?—Yes. There has been very strong local opposition to forest control in Kumaon.

12. The local people, of course, want to use it for purposes which do not suit forestry?—The conditions in Kumaon are very different from those in the rest of the province. The rest of the province is practically non-forest, except for a small, narrow belt along the foot of the hills; but in Kumaon the forests, villages and cultivation are all mixed up together, and from time immemorial the people there have supported themselves very largely on free forest produce. It is their custom to use a great deal of wood and a great deal of grazing which people in the rest of the United Provinces have not got; but as they are accustomed to it they consider it a great grievance that any restrictions should be placed on them, and, as the whole population is intimately concerned, the result has been a very considerable agitation against forest management by the department.

13. I suppose that partly accounts for a certain want of enthusiasm on the part of some members, and particularly local representatives, on the legislative council—a slight want of enthusiasm for the Forest department?—My experience in the council has been that all the members who come from forest districts are inclined to ask for concessions for the people who live there. Forest restrictions are never popular, and the man on the spot, who bears the brunt of it, always thinks something ought to be done for him in particular. Those grievances are voiced in the council by members to a considerable extent and in Kumaon, where the trouble has assumed much greater extent, the amount of attention paid to it has been very much greater than in the rest of the province.

14. If forests became a transferred subject, the minister would be subject to a good deal of pressure?—Undoubtedly. He would be subject to a great deal of pressure.

15. I suppose that is the main reason why hitherto in this province it has not been made a transferred subject?—No, hardly that, perhaps, because it was never proposed to make it a transferred subject until the Muddiman Committee sat. When diarchy was first introduced, I think Bombay and Burma offered to have forests transferred, but the others all said they wanted the subject reserved, and the question was not argued. In 1925, after the report of the Muddiman Committee, it was argued by the Government, and this Government reported strongly against transference in 1925.

16. The drawback to transfer, or rather another effect of transfer, would be to increase the rate of Indianisation. Have you anything to say to us about the efficiency or inefficiency of the service in that respect, as to whether Indians have the same experience that Europeans have had, and how they compare?—Of course, it is not a foregone conclusion that transference would mean complete Indianisation; it is quite possible for the local Government to recruit Europeans from Oxford or Edinburgh; but it is generally thought, I suppose, that it does mean a great measure of Indianisation, and in that respect my opinion is that to Indianise the Forest service to any greater extent than has already been proposed by the Lee Commission would be very premature. In the first place, I think Indians have shown that they are not naturally attracted towards a forest life. When forest officers were trained at Cooper's Hill, and subsequently at Oxford, there were very large numbers of Indian students studying engineering and every other profession at Oxford, and engineering particularly at Cooper's Hill, but not one of them ever expressed a desire to enter the Forest department. We had no Indians even attempting to come into the Imperial service until quite recently, when the direct selection through Dehra Dun was started two or three years ago, and they seem to have no natural desire for a forest life of the kind that many Englishmen have. They dislike solitude, I think, in particular, and have not the same attraction, perhaps, towards sport, natural history, wild life and that sort of thing. Whatever the reasons may be, I go more by the fact that they did not attempt to come in. Also, now that the service is open to Indians I have found every Indian who has come up or spoken to me about it has always regarded the Forest department as the last resource. If they can get into any other service, they will; they come to us when they think there is nothing else to be got. One does think, therefore, that the Forest department is not one which attracts Indians at all. That being so, we naturally cannot expect to get, nor have

* Vol. IX.

we had, the best men who might be got. We have really got to build up a tradition, an *esprit de corps*, of the profession of forestry in India; it does not exist at present. Thirty years ago, of course, one might say it did not exist among Englishmen either, but it has been built up. It was founded on the German and French schools of forestry. We were not ashamed to learn from them; the first three Inspectors General of Forests in India were Germans. I think, therefore, the Indian forest officer should not feel any resentment or dislike in leaving it for the present to the English to create the atmosphere of the profession of forestry in India.

17. It is not, of course, a question between Indians and Englishmen, but you do think at the present moment it would be premature to try to build up a completely Indianised forest service, or one containing a very large proportion of Indians?—Yes. For the reasons I have tried to give, I think to try to introduce a purely Indian service right away would fail. We want the traditions and example of the European forest service, not only British but Continental.

18. I suppose you might also be a little afraid of a want of continuity in policy if the subject were transferred, if it got into the hands of a weak minister who allowed himself to be influenced too much by the pressure of opinion?—I think it is a very great danger indeed. The first essential of forest policy must be continuity, and that is why it has always been recognised that forests must be State-owned. It is no good their being State-owned, however, unless the forest policy is supported either by a very strong Government or by a strong public opinion. I think it can be said that public opinion in regard to forests does not exist in India, or at any rate in the United Provinces, at the present time, and therefore any Government which was liable to be influenced by local grievances and that kind of thing would certainly be a danger to the continuity of sound forest policy.

19. On general grounds you would prefer that the transfer of this subject should be delayed at any rate for a period, until the position becomes more favourable for it?—I would certainly prefer it to be delayed. There is one other point about it I should like to bring forward, and that is that any mistake, any deterioration, in forestry is irretrievable. The harm creeps in insidiously, without coming to notice, because it is extremely easy in forestry to live on your capital and pretend you are very successful, whereas really the forest is being ruined by over-felling. By the time it was found out that the forest policy had not been what it was intended to be, it would be too late to do anything.

20. Your present surplus of Rs. 25 lakhs per annum is the result of an absolutely honest policy?—That represents, as we believe, the interest and not the capital.

21. *The Chairman*: Do you sell timber at what you may call the market rate, or are you disposing of it below market rate?—It is sold mainly by auction, in order to attain the market rate.

22. *Colonel Lane-Fox*: I suppose you sell a good deal for railway sleepers?—We do a very large business in railway sleepers, yes.

23. And for general purposes all over the province also?—We do not set out to supply any particular industry, except in the case of railway sleepers; except for that, it is simply placed on the market by the middlemen and they dispose of it as the market requires.

24. *The Chairman*: May I ask one more question? I am looking at page 114. As you have reminded us, the Muddiman Committee recommended that forests should be a transferred subject. Did you give evidence before that Committee?—No. I reported to Government when they were asked to say what they thought about the Committee's recommendation.

25. *Major Attlee*: With regard to your troubles over audit and accounts, I gather you find you are unduly interfered with by the ordinary financial control?—Yes. That is paragraph 124.

26. Would you suggest there should be some separate financial arrangements so as to make forests quite a separate thing from ordinary finance, in the same sort of way that railway finance is separated from general finance in the Central Government?—No, I do not think it is big enough for that, but some system might be devised by which we would not be so much tied by the beginning and ending of the financial year on April 1st and March 31st each year.

27. Of course, that has often been put forward in semi-trading undertakings, that that closing is the trouble?—I understand in commercial firms they never allow their finance to be handicapped by the end of any particular year. They do not allow themselves to stop work because there is no money available in the last fortnight of the year.

28. Would not that mean that you want your forest budget separate from the general budget, so that you could have a commercial audit and a commercial carry-over, and so on?—Well, the machinery by which the arrangement could be made is rather obscure. The Finance department have always told me it was impossible.

29. *Lord Strathcona*: Are you troubled much by incendiarism, or attempted incendiarism?—To a certain extent. In Kumaon at one time it was bad.

30. How do you check that, or punish it?—We endeavour to check it by capturing the culprits, if they can be spotted.

31. You do not apply joint punishments?—No, we do not have joint punishment, except that there is a clause in the Act which allows joint communal rights to be suspended. We have resorted to that once or twice in my experience, but very little.

32. *The Chairman*: The object of incendiarism, I suppose, is really to create grazing, is it?—Very largely, particularly in Kumaon, and elsewhere very often, but it is by no means the only reason. Spite against individuals is a very common reason.

33. *Mr. Srivastava*: Has not the legislative council been useful to you and to your department, and helpful in various ways?—That is a very wide question.

34. You say at page 109 of the book*: "The "legislative council had undoubtedly every justifica- "tion for criticism and for demanding a curtailment of "losses at a time when money could ill be spared." —Yes, I would say that the legislative councils did useful work in airing the question of the utilisation circle.

35. That is one way. I am only giving an example. Can you give me any more examples in which the legislative council has been useful to you?—Well, I do not think I can think of anything specific offhand. I think it is generally useful to feel that we are being watched and criticised. It keeps us up to the mark.

36. Do not you think the legislative council will be useful to you in allaying public criticism?—Public criticism?

37. Yes, public discontent and criticism. You say incendiarism is largely due to people being angry with your department?—No, no, excuse me. I said spite against individuals.

38. In some cases—I do not know whether you have said it—it is also due to that in Kumaon, where they have the non-co-operation movement?—That was a single violent outburst, that 1921 incendiarism. That is quite exceptional.

39. Then when you got the Kumaon Forest Board going they were helpful to you, the committee appointed by the legislative council?—Undoubtedly the Kumaon Forest Committee has been helpful in enabling us to make the best of things in Kumaon.

40. Do not you think that popular control would be useful to you in these matters?—My experience on the whole is that it is dangerous.

41. It may be dangerous, but will it not be useful?—The tendency is to voice grievances, not to try

* Vol. IX.

and stand up against them—to bring pressure on us.

42. I am coming to that—local grievances. How many members are there in the council who are interested in forests, or who come from districts where forests exist. Can you give me an idea ?—About twenty, I suppose.

43. Out of 123 ?—Yes.

44. Surely they cannot carry the day against the Forest Department ?—They get the support of other members.

45. But will not other members take a wider view of things ?—Well, I wish they would, but I have not seen any sign of it yet.

46. Your experience is that they do not ?—They are not interested ; that is my experience. The non-forest members are not interested in forests.

47. But if a few members from Kumaon come up and they want Kumaon deforested, will not the rest of the members oppose that and say that would be a provincial calamity ?—They should do so.

48. But do not they say it ?—No.

49. You stated that Indians did not attempt to join your department before Dehra Dun started?—Yes.

50. What were the rules for Indians in the Forest department in those days ?—Very similar to admission in other services, the Indian Civil Service and Public Works.

51. Was it a purely competitive examination ?—Yes, purely competitive. The only restriction was that you had to be a British subject.

52. You say that now you have got a large number of Indians in the Indian Forest Service—that is at the bottom of page 114*—and you are quite satisfied with the standard of their work.—Well, that was not my word, standard. I noticed it, and noted against it that I said they were superior to the provincial forest service.

53. Here is the same thing, at page 114* : " The present chief conservator "—I take it that means you ?—Yes.

Mr. Srivastava : " * * * has expressed his " satisfaction with the standard of the Indians " directly recruited."

54. *The Chairman* : The witness says " standard " was not actually his word. I dare say it is a similar word. What is the way you wish to put your own view ?—My actual words from which this was taken were that they were undoubtedly superior to the Indians we had had in the provincial forest service.

55. I think you told Colonel Lane-Fox that as far as the work was being done by your Indian officers you thought they were doing good work ?—Yes.

56. *Mr. Srivastava* : Then what is your fear now ? If you go on getting good men like that, there will be no great risk in Indianisation ?—I think they are not up to the standard we might hope for.

57. The statement here just contradicts that ?—Well, I cannot help it. I did not say it. I should like to see a much higher standard of Indian recruited. I should like to see the best men in the land wishing to go into the Forest department for its own sake, for the sake of forest life.

58. Are these men that you have now got not specimens of the best men ?—No, I should not say so. I regard them as the same material exactly as we have had in the provincial service. That they are better, as I said, than those in the provincial service I attribute entirely to their Oxford training, which I think is most valuable. We have not got any of the Dehra Dun trained yet, so I cannot say what they will be like. My opinion is that they will not be up to this batch of Oxford men I have got now.

59. Do you think that Germany is still the best country in forestry ?—Germany and France, either of them—Switzerland, Austria—they are all on a par.

60. Have you got any men from those countries in your department ?—No, not now. We have all been trained there.

61. You stated to Colonel Lane-Fox that your income of 25 lakhs odd represents interest, and not capital ?—Yes.

62. Now, how do you judge that ? What is the basis ?—The basis of it is the working plans, and the working plan endeavours to fix on a scientific and mathematical basis what is called the increment of a forest, that is, the amount of wood which grows as a whole all over the forest every year, and the interest on the capital is the amount of the annual increment, and the object of working plans is to lay down what that increment is for each forest, and what may be felled each year.

63. You say at page 108*, at the bottom, something about panchayats ?—Yes.

64. Do you think handing over forests to the panchayat would be useful ?—This is purely local to Kumaon.

65. What applies to Kumaon might also, of course, apply to other places ?—No, I am not hopeful about it.

66. How long ago did you start on having working plans and a research branch ?—We have had working plans of kinds almost from the beginning, but the research branch and the more scientific working plan branch began in 1918.

67. You say the year 1920 on page 107* ?—Yes, I accept that. The next date is 1918, and I was mixing them up.

68. This thing started only as late as 1920 ?—Yes, the special branch. Plans existed before.

69. This branch was very necessary before that ? —Yes. It was belated.

70. Why was it belated ?—Because we started a new policy of felling a great deal more than we had ever done before, on what was believed to be a scientific basis, and the formation of the working plans branch ought to have coincided with that instead of coming after it.

71. Then would you not qualify your remark as regards your income representing interest, that this state of things started only from 1920 ? Before that, you had nothing to go upon ?—No, we had the old plans to go upon.

72. But there was nothing scientific about it, as there is now ?—It was not so scientific, but there was always a firm basis for the revenue. The mistake of the older plans, if you can call it a mistake, was that they did not fell enough ; they were too conservative. The dread of every forest officer is always over-felling.

73. That was more or less guesswork ?—Yes, you guess within a margin. You are certain you are not felling too much.

74. As regards utilization work, you made a success of one branch ?—Turpentine, yes.

75. Do you think there are openings for more things ?—You mean under Government ?

76. Not necessarily, but somehow—the utilization of products either by Government or by a private agency ?—I have nothing in mind.

77. You do not think there is a prospect of expansion in the utilization of forest products in the near future ?—No, I think they are being utilised almost to the full now, all we can produce.

78. Do you think the revenue will remain at 25 lakhs, or will it be increased or decreased, or what ? —I think it will remain round about 25. It may go down occasionally a lakh or two ; it may go up occasionally.

79. You had in your utilization branch a kind of commercial audit, had you not ?—Yes.

80. Did you like it ?—That is to say, we employed professional auditors. Yes, we found it extremely useful.

81. Would you like a similar thing in your remaining activities ?—Yes.

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82. *Khan Bahadur Hidayat Husain* : Is it not a fact that the principal complaint of the legislative council against you has been that your department

* Vol. IX.

has been run more as a commercial concern of the Government than anything else ?—No, that is not my experience; I thought the council always approved of our commercial activities.

83. Is it a fact or not ?—No.

84. On page 112, paragraph 123*, on the scarcity of money, you say: " On the other hand the division " of subjects into reserved and transferred has had a " profound effect on the finances of the department." Would you prefer your department to be a transferred department or not ?—No, I would not.

85. *Dr. Shafaat Ahmad Khan*: You would not like the transfer of Forests. I think I am right in saying that ?—Yes.

86. Are you speaking in your individual capacity, or on behalf of the Government ?—I am speaking in my individual capacity.

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88. *Dr. Shafaat Ahmad Khan*: My second question is: In paragraph 117, at page 109* you refer to the attitude of the legislature and you have also referred to the local pressure. May I say it was also due partly to the failure of the utilization circle ?—I did not quite gather what is due to the failure of the utilization circle.

89. I said was it due partly also to the dissatisfaction of the utilization service, not local pressure so much ?—That the council did not show any interest in forests ?

90. The criticism of the council on the budget in 1924–25 ?—Oh ! Well, the criticisms were directed against the utilization circle mainly; yes.

91. It was not blind. It was due to something which they felt rightly or wrongly. But they felt that it was not being properly—shall I say ?—managed ? That was their feeling whether right or wrong ?—Yes. They felt that the utilization circle was not a success, undoubtedly; and it was not a success.

92. You say the ministers may be subject to pressure. Are they subject to pressure in other departments also ?—I do not know.

93. *Mr. Desanges*: You speak of Government policy. Does this policy emanate from Government, or from the chief conservator of forests ?—From Government.

94. So the chief conservator of forests and his subordinates do not emanate the policy ?—No.

95. If you now had Indians trained at Oxford, would you have any objection to Indianisation ?—I think it is not all we need certainly, but I think that Oxford trained students would build up a very much finer Forest service.

96. If the policy emanates from Government, what harm would there then be if the department were transferred and worked under a minister ? Your policy would be maintained because the policy emanates from Government ?—The policy must be entirely continuous.

97. The Government is there to make it continuous ?—That is what I apprehend—forests being made a shuttle-cock of politics.

98. But the Government would have their own policy. You would not blame Government ?—I cannot say.

99. You have a policy which emanates from Government, and you have a minister to work up that policy. Just one other question I may ask you. This utilization circle that was started was started by the Europeans. I may say that Indians had no influence in the starting of the utilization circle ?—No; that is so.

100. And you have already told us that the utilization circle was a failure ?—Yes.

101. Therefore you see that even things worked by Europeans have been a failure in your department ?—Yes; it cannot be denied.

102. Then would you not say that if Indians are trained in Oxford and given a chance, there would be no objection to Indianising the service ?—I think it is premature at present. I think they would not be able to stand on their feet immediately without the traditions of a profession to rely on.

103. Would you still insist on 25 per cent. Europeans ? Will that satisfy you ?—I think it is too small.

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122. *Sir Hari Singh Gour*: As regards Indianisation you say it is premature ?—Yes.

123. How long do you think it would take for it to cease to be premature in your opinion ?—Thirty or forty years.

124. Do you think that the progress that has been made in the Indianisation justifies the complete transference in thirty or forty years ?—Not transfer; we are talking about Indianisation.

125. Complete Indianisation in thirty or forty years ?—Yes; it should do, I think.

126. To judge by the progress made by the Dehra Dun institute, do you think that that period can be accelerated. The Dehra Dun institute is one of the finest in the world, is it not ?—I have nothing to do with it.

127. Is it regarded as one of the finest in the world ?—I know it is so regarded.

128. If the Indians are trained there, you think there would be a speedy acceleration of the Indianisation in view of the fact that the Dehra Dun institute turns out some of the best Indians here ?—I personally disapprove of training forest officers in Dehra Dun.

129. You would train them at Oxford ? I think there are no forests at Oxford, so where would you train them then ?—Yes, and I would train them on the Continent also.

130. Are not the forests on the Continent very different from the forests in India ?—Yes; they are different.

131. They are planted on a different basis ?—The theory of forestry is the same all over the world.

132. The theoretical side; but the practical side ?—The practical side only requires slight modification.

133. In order to assimilate that slight modification, how many years do you think should be given to Europeans coming out to India to learn Indian forestry ?—I do not think anything at all is required. You pick up local differences very soon.

134. For how long ? Do you not put them under training for three years ?—They do not get a division straight away. They must have experience.

135. As regards the grievances ventilated by the local council, you say that the members have merely been giving vent to grievances, but that they did not suggest any redress. Is that not so ? Is that the statement you have made ? Did I understand you aright ?—They voiced the grievances of individuals.

136. Did you find those grievances which they ventilated were justified ?—No.

137. Did you make enquiries ?—Always.

138. You did ? But the grievances existed, and they were only the mouthpiece of the persons who had grievances. Do you not think that Forests not being a transferred subject it is not open to the members of the legislative council to suggest redress but to only voice the feelings of their constituency as regards the grievances regarding the administration of the forests ?—I am simply looking at the thing from the point of view of its effect on forest management as a whole.

139. As regards the forest management, do you want to run it on a commercial basis ? What is your ideal ?—An ultimate object is to make as much revenue as one possibly can; undoubtedly.

140. Do you not think that there are two views possible on that subject ? Your view is to make as much money as possible out of it. The other view is to work it not solely as a commercial proposition, but to satisfy the people to whom the forest belongs ?—We have endeavoured to do both.

141. Then do you not think that the combination of those two policies would best be served by a

* Vol. IX.

minister appointed by the people ?—Possibly, but not in regard to continuity.

142. Why should you think that the minister will not carry on the policy of continuity ?—Because I think he is more likely to be worried and influenced by those representations from local vested interests.

143. You think that Government now is impervious to those grievances and representations made ?—I think it is a mistake to call them grievances at all. They want to get as much as possible from Government for nothing.

144. Then the minister will exactly do the same thing as the Government does now ?—Yes ; he may.

145. As regards the Indian Forest Service, you said that people went to Oxford for Indian Civil Service, Indian Medical Service and so on. Are you not aware that the Indian Forest Service was mainly, if not solely, a preserve for European recruitment ? —It was not reserved in any way.

146. Was it open to Indians ?—Yes.

147. How far back can you recall when it was open to Indians ?—Certainly it was in my time, 1893.

148. In 1893 it was open to Indians ?—Yes.

149. And no Indians went for it ?—No.

150. Are you sure that the Indian Civil Service and the Indian Medical Service offer better prospects than the Indian Forest Service ?—The Civil Service did, and probably the Medical Service also.

151. And therefore the majority went to the Indian Civil Service ?—Yes.

Sir Hari Singh Gour : Because it would be more expensive to go to England for study and therefore they thought the better thing would be for them to study for a more lucrative service such as the Indian Civil Service rather than the Indian Forest Service.

152. *The Chairman* : You said something about the Forest service being open to Indians in 1893 ?— Sir Hari Singh Gour was referring to candidates in England.

153. Then it was as long ago as 1893 that if a gentleman from here wished to go in for a higher public service he chose the Indian Civil rather than the Indian Forest Service ?

Sir Hari Singh Gour : The point I was making was, given an Indian student and he has to spend a certain amount of money by going to England for study ; he takes his chance by going to the Indian Civil Service where the emoluments are higher than, say, the Indian Forest Service, which after all held forth prospects of a less return ultimately.

The Witness : My reply to that is Indians did come to other Indian public services such as the Public Works.

154. *Sir Hari Singh Gour* : Because it was more paying ?—No, no. I was at Cooper's Hill with candidates for the Indian Public Works. We drew the same pay when we arrived in this country. We were always paid the same.

155. But what is the maximum ? Is not the maximum higher than in the Forest service ?—No. The chief engineer is the only officer who draws more pay than a forest officer. He is drawing more than I do.

156. You have said that you are afraid that the Forest department may suffer in the hands of a weak minister ?—As the result of any political agitation about forests of any sort or kind.

157. Whether the minister is strong or weak it does not matter ?—No. I do not think even that will matter.

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Mr. R. J. S. DODD, C.S.I., I.P.S., Inspector-General of Police, United Provinces.

164. *The Chairman* : Mr. R. J. S. Dodd, you are Inspector-General of Police in the United Provinces, and I think you have 29 years of service ?—Yes, sir.

165. * * * In this province, is your police organised into an armed and an unarmed branch ? —They are recruited for one force, sir, originally, and some of them go into the armed branch after two years' training.

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167. Turning to page 121,* * * * just tell me briefly—I do not ask for the reasons why—I just want the facts—has there been any difficulty in getting through the council budgets which provided for the police vote ?—The police vote as a whole ?

168. Yes.—Not as a whole, but on special items there have been cuts.

169. I see on page 122* you say there was a reduction of Rs. 20,000, which you were later in the year able to restore by means of a supplementary estimate ? —That was in the Criminal Investigation department.

170. I gather so. Then the memorandum goes on to say : " As a censure on Government for failing to " reduce the number of assistant and deputy super- " intendents as recommended by an economy com- " mittee which had sat the previous year, the council " made a reduction of Rs. 15,000. The demand in " 1925 was again lower than in the previous year, " this time by two lakhs," and then there was a reduction. And then I see : " In this year Govern- " ment suffered its most serious defeats and the " Governor was for the second time forced to use " his powers of restoration " ?—Yes.

171. " The salaries of the Deputy Inspector- " General, Criminal Investigation department, and " one range Deputy Inspector-General happened to be " votable and the council cut out the whole pro- " vision for these salaries, in each case by a com- " paratively small majority. In addition it made a " further cut of Rs. 10,000 in the provision for the " Criminal Investigation department. The Governor " certified all these items under section 72–D. of the " Government of India Act."—Yes.

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173. I gather that there have been reductions in the amount originally estimated for the police ?— Yes, we carried on, accepting the cuts.

174. What form did your economies take then ? You cut your coat according to the cloth ?—If there is a cut in the Criminal Investigation department not certified, we have to cut down the Criminal Investigation department accordingly.

175. Because of course the item is in respect of that particular service ?—We have to accept that particular cut in that particular way.

176. I was asking you just to tell me shortly what was the nature of the economy which you did effect in view of the fact that some of these amounts were reduced ?—The reduction in the Criminal Investigation department is an example. In that case, as far as I recollect—I was not the Inspector-General at that time—I think they cut down the inspectors in the Criminal Investigation department.

177. When did you become Inspector-General ?— In 1925.

178. I was wondering whether it had anything to do with what is stated in the opening sentence on page 117* that the sanctioned strength of the police force has been reduced by something like 3,500 men ?—No, not in consequence of these cuts. Those were for other reasons.

179. You might just tell me, would you, apart from the force which you are responsible for, the regular force, are there village police in the United Provinces ?—Yes, sir.

180. I have been reading the report on the administration of the police in the United Provinces for the year 1927, and I am interested to see that there has

* Vol. IX.

been a large reduction in the number of chaukidars. Those are village police ?—Yes, sir.

181. Who decides whether their number should be reduced ?—May I explain, sir ?

182. Yes.—The village chaukidari force was reviewed by a committee on civil police allocation in 1919, and it was then decided to reduce a certain number of men who were considered to be superfluous. These proposals were put before Government, and eventually they were reduced more than the committee proposed. It was a measure of economy. Again there was another committee called the Decentralisation Committee in 1924–25. They proposed a further reduction of chaukidars till actually there was a 50 per cent. reduction on the total force. The number of chaukidars was 86,000, and now it is 43,000 odd. Government have sanctioned the reappointment of some 5,000, but no money has been found for that up to date.

183. I am not clear about it, whether this is a decision which is connected with any vote of the legislative council or whether it is a purely administrative act ?—It is an administrative act.

184. To effect economy ?—Yes, it was a Government act.

185. I see there is another passage (paragraph 39, Report on the administration of the police of the United Provinces, 1927) where speaking of the conduct of the police, you say—this is your own report——It was not written by me ; it was written by my *locum tenens*.

186. Who wrote it ?—Mr. Williamson.

187. Paragraph 39 reads : " A deputy Inspector-" General dealing continuously with cases of mis-" conduct and appeals against orders of punishment " probably has rather a jaundiced opinion as to " whether the morals and tone of the force are im-" proving and to this I attribute the note of pes-" simism struck by the two Deputy Inspectors-" General, First and Third ranges. Looking back, " however, on the early days of my service, I have " no hesitation in saying that there has been a steady " improvement, and my opinion in this respect is " supported by the views of the numerous Indian " gentlemen whom I have had occasion to consult ; " it is also backed by the fact that newspapers of " the present day contain really very few attacks " on the morals of the police, whereas 25 years ago " the main items of news were examples of the " inefficiency, corruption and highhandedness of " the force. Of one fact there is no doubt, that the " gazetted officers of the force are themselves the " most severe critics of the misconduct of their men, " whereas, if one can judge from the increased " number of visitors an appellate authority receives " when a departmental appeal is pending with him, " public opinion against old-established evil customs " is not yet of a high standard." You agree with that paragraph ?—Yes, sir, almost entirely.

188. On page 59 of this Police Administration report I see : " It is pleasing to note that a com-" missioner has written, ' the public, slow as they " are to assist, are beginning to appreciate the high " standard of efficiency and honesty and are even " beginning to express that appreciation.' Another " commissioner writes : ' I believe that the reputa-" tion of the police never stood higher than at " present ; the old idea of the police as a common " enemy is beginning to die." That, of course, is a quotation of the opinions of two commissioners in the province. Can you tell me your own view about this ?—I think those views are correct.

189. This report says that there has undoubtedly been an improvement in the force, and that is your own view ?—Yes, sir.

190. In other provinces there are returns showing how many cases there have been of dismissals of men of different ranks on the ground of corruption. I suppose they are available in this province too ?—The actual figures are not available for departmental proceedings.

191. Probably they might have been prepared in answer to some question in the council ?—I do not think that actual question has been asked here.

192. Can you tell me whether you think corruption in the force has been decreasing ?—Yes, sir.

193. Definitely ?—Definitely.

194. There appears, if I may say so, to be a great deal of crime in this province ?—Yes, sir.

195. Have you got anything to tell us, for example, how many murders there are ?—In 1927 there were 765.

196. True cases ?—Excluding false cases and cases in which the murderers committed suicide.

197. How is it compared to 10 or 15 years ago ?—There is very little variation in murder figures.

198. Dacoity ?—Dacoity has decreased enormously in the last seven or eight years.

199. I want you to give one other figure, about riots ?—I am afraid rioting shows a rise since 1919, with the exception of a drop in 1924.

200. One would want to have a general picture. One wants something more than an answer that there is a rise ?—In 1919 there were 600 cases of rioting and in 1923 there were about 1,150 approximately.

201. How many in 1927 ?—In 1927 there were 1,300.

202. Is that the latest figure you have got ?—That is the latest figure I have got.

203. I find on page 8 (Report on the administration of the police of the United Provinces, 1927) under the head " Rioting " that " the number of " true cases increased from 1,581 to 1,661 " ?—It is probably due to their including pending cases.

204. I am afraid that you must admit that the figures are not very satisfactory as regards that particular item ?—No, sir.

205. Do you consider that the police force is less efficient now ?—No, sir.

206. Then, what is it due to ?—There are two causes. One is the communal situation, which has added to the number of riots. The other is this: the rules regarding the investigation of riot cases were revised in 1919–20. A police investigation was not required in every riot case. A lot of these riot cases were merely technical.

207. It may be due to a difference in classification ?—Yes.

208. Let me put you a question which has a direct bearing on our inquiry—I am asking only your personal view. Having regard to your own experience, would you be disposed to think that the administration of the police force can now be a transferred instead of being a reserved subject ?—No.

209. I wish you just to give me shortly what your reasons for that are ?—My reasons are these : I think a minister responsible to the legislature and not responsible to the Government as at present constituted would find it extremely difficult, and almost impossible, to administer the department as it ought to be administered if law and order are to be maintained. He would find it extremely difficult to resist the demands made by his constituents and others to interfere with the administration of the police and the department itself. I think there would be interference certainly, as things are at present, on communal lines, and there would be, I am afraid, financial interference seriously crippling the department.

210. *Mr. Srivastava* : Mr. Dodd, you have given a lot of cases where the legislative council has made cuts in your budget or has carried resolutions against your department. Do you not think that many of those cuts were reasonable in a way ? Whether they were right or wrong, yet they did not want to embarrass you in any way ?—Almost all the cuts that were made relate to a time when I had nothing to do with the administration of the department, and so it is difficult for me to answer that question.

211. On page 124* of the memorandum you say that in spite of the opposition by the nationalist and swaraj parties the council voted money for armed police. Do you not think that that was due to

* Vol. IX.

reasonableness on the part of the council ?—I think the council was very reasonable in voting that.

212. Then what is your fear if Law and Order were transferred ? The council probably will be reasonable.—The council would not have given the money without the vote of the official *bloc* ; it was a bare majority, you know.

213. If there are safeguards so that the council cannot unreasonably throw out your demands, would that satisfy you ?—It depends on the safeguards.

Mr. Srivastava : Yes, but if there are satisfactory safeguards ?

The Chairman : What sort of safeguards have you in your mind, Mr. Srivastava ?

214. *Mr. Srivastava* : I have nothing especially in mind just now, but I merely put it as a general proposition. For instance, if individual policemen can be adequately safeguarded whether the witness will still have any objection to the transfer of Law and Order ?—If there is safeguard for the position of the policeman that is perfectly satisfactory, but that is only one point.

215. It has been suggested somewhere that Law and Order might be transferred, but made the Governor's portfolio. How do you think that would work ?

Sir Hari Singh Gour : How can you transfer it and at the same time make it a Governor's portfolio ?

Mr. Srivastava : The Governor becomes the minister. I do not know whether it can be done or how it should be done, but that was a suggestion made by some——

The Chairman : We can hardly expect the Inspector-General of Police to discuss how it may be done.

216. *Mr. Srivastava* : Very well, sir. Do you think the police could be separated into two branches, one called the vital branch or the reserved branch and the second day-to-day branch. What the public wants to control is that branch with which they come in touch every day. Do you think anything like that would work ?—It would be extremely difficult to administer a police force half of whom were not directly under the Inspector-General . . .

217. They can be under the Inspector-General.—Anyhow, I do not think a separation into two branches will work well.

218. *Khan Bahadur Hidayat Husain* : Suppose the conditions of the policemen were secured and all sorts of safeguards were provided, do you think even then that the different communities in this province will be satisfied if the police were a transferred subject ?—I do not think that I am in a position to answer that question.

219. From page 117* it appears that the police force in 1926 was less than it was in 1921, although the conditions in the province are not so secure as they used to be. What is this due to ?—The need for economy in all the departments in 1922 was the reason for reduction in the police department at the same time. We gave up a large number of men who it was thought could be spared at the time, but, as you know, we came last year to the council and got some back again. We are still far short of what we require.

220. After referring to the subject-matter of two resolutions which were adopted by the council, you say on page 125* : "The former shows an unwilling-" ness to face facts and an inclination to indulge in " idealism." Is it your idea that some of the castes in this province are not fit enough to be recruited to the police service and therefore your area for recruitment is restricted ?—There are certain castes which I would not willingly enlist.

221. On page 127* it is said : "The Inspector-" General is on the whole satisfied with the class of " officer whom he has so far got by promotion from " the provincial service. He is less satisfied with the " officers directly recruited in India by means of " competitive examination. . . ." Can you give us the points on which the Indian officer recruited in India fails to satisfy you ?—He does not fail to satisfy me. What is meant here is that the class of officer recruited for the provincial service (that is, deputy superintendent) is, in my opinion, superior to the class of officer recruited for the Indian Police Service.

222. *Dr. Shafaat Ahmad Khan* : Would you advocate the appointment of Indians to the Imperial Police Service by some other system than mere competitive examination ?—I should like to see both services recruited at the same time and the division made later on into provincial and Imperial.

223. But you say on page 127* that you are less satisfied with the officers directly recruited in India by means of competitive examination. Would you like to replace them by some other method of recruitment ?—The objection is not to competitive examination as long as the competitive examination holds what I consider to be a necessary safeguard. The competitive examination for the police in England has 400 marks allotted to what is called " Interview and record." I should like to see that introduced here in the examination for the Indian Police Service.

224. You have admitted just now that certain castes have not got the same capacity for police work as other castes have got. Would you admit all castes to the competitive examination, or would you make any restriction ?—I said that I would not be willing to enlist them.

225. On pages 189 and 190* you refer to the action taken by the council. May I, as being responsible for most of the cuts given on these pages, assure you that my motive in moving those cuts was not due to any general dissatisfaction towards the Police department, but was due to particular instances ? . . .

The Chairman : I am afraid I do not follow you.

Dr. Shafaat Ahmad Khan : Those who moved those cuts in 1924–25 had some particular grievance ; they did not support those cuts because they were generally dissatisfied with the Police department. The proceedings will show that the department needed some retrenchment or economy, and most of the cuts were based on the recommendations of the Economy Committee which was appointed by Government in 1923.

The Chairman : I am very glad to hear that. But what I would like to know is whether in your view the Governor was right when he certified that this money was essential to the discharge of his responsibility for the department or not.

Dr. Shafaat Ahmad Khan : I think the Governor was perfectly justified in certifying the demand.

The Chairman : What strikes me is this : We must take it that the Governor is perfectly right in saying that the money is essential though the legislature none the less decides that they will not vote it. But it is very important to consider whether the Governor must continue to have the power to restore such a demand ; you see he can only have such powers if the subject is a reserved subject.

226. *Dr. Shafaat Ahmad Khan* : You have referred to riots and communal tension. Have there been any riots in connection with the election either to a local body or to the legislature ?—I heard of one this morning ; I cannot recollect any others.

227. They are rare ?—Yes.

228. Is it due to the fact that the two communities have different polling stations and this avoids the need for conflict between the two communities ?—Yes.

229. *Babu Rama Charana* : Are the village chaukidars working satisfactorily ?—Considering their pay, most certainly so.

230. Village chaukidars are recruited from all castes without any discrimination, for instance, from the chamar class, mahar class and so on ?—To a considerable extent that is right.

231. Would there be any objection if these castes are recruited in the constabulary force ?—I think the first objection would be from the constabulary themselves.

* Vol. IX.

232. Will there be any other objection ?—Lack of education would be a drawback. Certainly I should think that some men of these lower castes would make extraordinarily good policemen.

233. Beyond this prejudice on the part of the constabulary themselves there is no other bar for the Government to recruit members from these castes ?—There are other difficulties. For instance, a sub-inspector belonging to one of these castes would, in undertaking an investigation, find great difficulty.

234. Personally you have no objection to enlist all castes ?—As long as a man is suitable, certainly not beyond the objections I have already stated; personally I have no objection.

235. May I take it then that the only obstacle in your way to recruit them is that there is objection on the part of the constabulary themselves ?—And the other reason I have already given you.

236. *Mr. Desanges*: Out of the figures you have given for the riots, can you tell us how many were communal riots ?—I think that ought to be given here.

237. Would you kindly enlighten us ? I have not got the book ?—No less than 102 were the result of communal ill-feeling.

238. My next question is, tell us roughly how many Hindus and how many Muhammadans you have in your force in these Provinces ?—I am afraid I have not got the figures.

239. Who predominate ?—The Hindus predominate.

240. You have suggested in this memorandum that there ought to be a reservation in your service in the superior grade for 50 per cent. Europeans and 50 per cent. Indians; is that so ?—I have not suggested it.

241. On page 177 of the memorandum* it is stated: "This system is expected to make the "service fifty per cent. European and fifty per cent. "Indian in twenty-five years from the date of its "introduction" ?—It has nothing to do with me. That is the order of the Secretary of State.

242. Would you then in your superior services have all Indian officers ?—No.

243. What percentage would you want of Europeans and what percentage of Indians ?—I am quite content with this percentage.

244. Please tell us why you want a stiffening of 50 per cent. Europeans ?—One reason alone—there are many, but one reason alone: the European officer is a most useful person to deal with anything where a communal issue arises. There is a great demand for European officers to investigate cases where one or the other of the communities is concerned.

245. *The Chairman*: When you say "great demand," where does this demand come from ?—It comes from the other side. If it is the Hindu who is the aggressor you find the Muhammadan to be demanding that investigation should be made by a European officer or the demand may come from both parties. In the case of a communal riot the demand comes invariably; the demand for a European officer to investigate is almost invariable.

246. *Mr. Desanges*: These European officers do want a certain number of assistants, do not they ?—Yes.

247. Would you then have domiciled Europeans and Anglo-Indians as subordinate officers and would you consider it as a necessity just as you consider it a necessity to have in the higher services 50 per cent. Europeans ?—I have no objection to a domiciled European or Anglo-Indian if he is of the right type.

248. Would you have them as a necessity just as you have 50 per cent. Europeans in the Higher services ?—I do not quite follow you.

249. You think there is a necessity of having 50 per cent. European officers in the superior grades ?—Yes.

250. They cannot conduct all the enquiry themselves ?—No.

251. Would you on the same reasoning require domiciled Europeans and Anglo-Indians as subordinate officers ?—I should like to see a larger number of Anglo-Indians as subordinate officers.

252. You had up till recently in these provinces domiciled Europeans or Anglo-Indians as reserve inspectors ?—Yes.

253. Would you like to go back to that system ?—No. I am satisfied with the Indian officers we have in this province. We had a very stiff selection and I think we have got good men.

254. You are against competitive examination for recruitment, are you ?—I have explained just now.

255. *The Chairman*: It is capable of giving false impression. I have not understood the witness to say that he is opposed to competitive examination as such provided they have some tests which he considers good tests ?—Yes, one such safeguard, I said, is "Interview and record."

256. It is as much in India as in England that there are many things on which one has to form a judgment such as a man's striking character, his ability to face a disturbance, his tact and other qualities. Those are things which one cannot answer in an examination paper. I understand that the witness's point is that when the force is chosen by competitive examination in England certain marks are allotted for these tests ?—That is the idea.

257. *Sir Hari Singh Gour*: You have stated that none of the riots except one had anything to do with communal elections ?—I said I could only recall one.

258. Can you say that the communal elections are not a good breeding ground for riots, for prospective rioters ?—I am not prepared to say that.

259. You said you had 102 communal riots. I do not want to go into the details; but what were the root causes of these riots ?—A common cause was music before mosques.

260. You have stated that between 1919 and 1927 the rioting cases have very nearly doubled and a good percentage of this increase is due to the revision in investigation; but making every allowance for it, can you account for this large increase in rioting cases during the last 7 or 8 years ?—I think to some extent the spirit of lawlessness has been abroad during the last ten years. That may have something to do with it.

261. You think it is political ?—I think the spirit of lawlessness got a fillip in 1920-21 and the country has not quite yet recovered from it.

262. What was that lawlessness due to ?—Due to the non-co-operation movement.

263. That would not lead to communal riots ?—Not to communal riots. I thought you meant rioting as a whole. A man is more ready now to take up a lathi than ten years ago.

264. Defiance of law ?—Defiance of law.

265. As regards Indianisation you have stated you were not responsible for paragraph 139 of your memorandum and that is the Secretary of State's order, that is 50 per cent. Europeans and 50 per cent. Indians. Have you found the Indian officers under you satisfactory ?—The Indian Officers in the higher posts, yes, certainly.

266. Have you any experience of the working of the ministers in other departments transferred to them in your province, as to whether they have or they have not given satisfaction ?—I have no knowledge at all.

267. *Sir Zulfiqar Ali Khan*: Can you tell me whether the subordinate officers are all Indians ?—Yes, with the exception of about 150 inspectors and sergeants.

268. And these are all Europeans and Anglo-Indians ?—Yes.

269. Can you tell me whether the work of investigation is done by the subordinate officers mostly ?—Yes.

* Vol. IX.

270. Almost all investigation work is done by the Indians and the European officers exercise general supervision ?—Yes.

271. Would you tell me whether any Indian has so far risen to the position of a Deputy Inspector-General of police ?—He could not because no Indian has been appointed till quite recently to the higher ranks of the service. I think the first Indian superintendent was appointed about ten years ago.

272. Would you have any objection to an Indian rising to that position ?—I should have no objection, no.

273. If the Police department became a transferred subject, could you tell me what influence it would have on the preservation of law and order in the country ?—I have given my reasons against transfer. I think that the police force would be considerably weakened and a weakened police force would be a grave danger. I think it is weak enough as it is, and any further weakening would be a very grave danger to law and order in this province.

274. In the case of communal riots which are occurring in large numbers do you think that perfectly impartial officers are an absolute necessity ?—For investigation, certainly, if possible. But I consider a Hindu can be perfectly impartial or a Muhammadan can be perfectly impartial.

275. What I mean is this. Supposing a riot occurs as it has occurred near Moradabad. Do you think a minority community has a chance of getting protection from the majority community if the police are not on the spot ?—It is rather a difficult question.

276. Perhaps I am not quite clear. I will put it this way. Supposing the minister belongs to one community or the other and if a riot occurs far away from the head-quarters and the minister is communally biassed and he delays the despatch of the police, what happens to the minority ?—Chaos. The minority community would have no chance at all ; it would be wiped out ; it is an extreme case.

The Chairman : That is quite obvious, and it is not open to any argument at all. If the assumption is that you had a minister at the head of the police force who came from one community and he did not administer the force impartially, then obviously the other community must suffer. I think it is agreed that it is self-evident if you make that assumption. But the important question is whether such an assumption should be made.

277. *Sir Zulfiqar Ali Khan* : You know that the police all over India has got a bad odour about it, corruption being very much rife among its ranks. Can you tell me what steps you are taking to check this evil ?—We have tightened up our punishment rules considerably within the last few years. But I do not think that is the best way to stop the evil. I think the best method is to teach the constable self-respect, and we are making efforts on those lines. We have managed to obtain some money and are giving him respectable housing. *Esprit de corps* has been encouraged and we have introduced a proper system of physical training and annual sports are being held. I think you can do more by raising the self-respect of a constable than by increasing the number of punishments or even by increasing his pay. I do not mean by that that his pay is adequate.

278. *Dr. Suhrawardy* : Is it not a fact that Law and Order in your province is in charge of an Indian Member of the Executive Council ?—Yes.

279. Since when has it been in charge of an Indian ! —Ever since the Reforms.

280. That is since 1921 ?—Yes.

281 Has the interest of efficiency or the maintenance of law and order in any way suffered by the fact of there being an Indian in charge of Law and Order in your province ?—No ; I do not think it has.

282. Then your objection to the transfer of Law and Order is not on the ground that it will be in charge of an Indian, but on the ground that the minister will be subject to political pressure ?—Yes, that is my reason.

283. *The Chairman* : Your point is that it is not a question whether it is an Indian or not who is the Member responsible for this subject. Your point is, I gather, whether right or wrong—that it is a question of the relation between the head of the department and the legislature ?—Yes, that is my idea.

284. *Rao Rahadur Rajah* : I understand that a resolution was adopted in the local legislative council for the removal of caste restrictions for recruitment to the police service ?—Yes.

285. That was in the year 1925 ?—Yes.

286. And that resolution, if I am right, remains a dead letter ?—No ; on the contrary, we have removed those particular castes from the list of castes from which we were forbidden to enlist. It is no longer in the police regulations.*

287. These castes are being removed from the police regulations ?—Yes, the names of these castes.

288. Have you recruited any of the people belonging to these castes into the police service ?—I cannot tell you, because I have no returns of castes.

289. Arising out of your answer to Babu Rama Charana, I understood you said that the constabulary was against admitting certain castes into the police service ?—Yes.

290. Therefore you are not admitting the members of these castes into the police service ?—Yes.

291. If so, the resolution that was passed in 1925 remains a dead letter even to-day ?—It does not remain a dead letter necessarily. There may have been members of those castes enlisted since. I said that one of the objections to their enlistment was that the constables of other castes would object ; but they may have been enlisted in spite of that.

292. If the constables belong to other higher castes who have so much prejudice against these poor, unfortunate people, do you think that these poor castes will get protection from the hands of those high caste constables ?—Yes ; I think so, certainly. I see no reason why they should not.

293. Have you ever tried to enlist them into the service ? Is it because of some fear that the constabulary will revolt if you enlist them that you do not enlist them ?—They have not come forward. As a superintendent I do not think I ever had to turn anybody away on that account.

294. *The Chairman* : I do not suppose that people apparently recruited for this police force come in the first instance before a superior officer ?—They come to the police headquarters. They turn up during the selection held two or three times a week in the police reserve line. The superintendent himself sees them. Almost all the applicants come before him.

295. I am sure you will agree with me that assuming that it can be done consistently with good administration, it is a desirable thing if possible not to debar a particular class of people from serving in the police force ?—Yes.

296. In your judgment could anything be done if suitable men come forward satisfying any condition which you may lay down to see that no disabilities are imposed on any class of people from serving in the Police department ?—We have already taken one step, sir. We have removed the disabilities of these depressed classes already, and it is now possible for them to enlist. There is nothing to prevent them.

297. I wish you to tell me what was the disability you refer to and when was it imposed ?—There were certain castes, sir, which were definitely laid down in our regulations as castes from which we could not enlist. Now the regulations no longer contain the names of these castes.

298. Yes ; I have got it here. Thank you very much. Your police regulations say in respect of certain classes of people that recruitment to the police should not be open to them. Now I understand that you do not exclude members of those classes. Is that not so ?—That is correct, sir.

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* The changes made in the police regulations are shown in the Appendix, page 248.

299. *Rao Bahadur Rajah*: I want to know the practical effect of the exclusion ?—My information on that point is they have not come forward for enlistment.

Rao Bahadur Rajah: I only wanted to raise that point to show that in spite of the resolutions that were passed nothing has been done in this matter.

300. *The Chairman*: After all it is something you know to change the regulation which previously said that certain classes should not be recruited from. Now I want to know whether there are instances in which suitable members of those classes have come forward, and the Inspector-General says as far as he knows they have not come forward.—They have not come forward, sir, as far as I know.

301. If they do come forward and they are physically suitable and also from the point of view of education and otherwise, you would be prepared to take them ?—Yes.

The Chairman: We are very much obliged to you.

APPENDIX.

EXTRACT FROM POLICE REGULATIONS U.P., 1911.—Para. 337 :—

Members of criminal tribes and wandering gangs shall not be enlisted. Brahmans shall not be enlisted in the armed or civil police of any district where they already number more than 10 per cent. in the armed and 5 per cent. in the civil police. Kayasthas and Baniyas should seldom be enrolled. Enlistment from classes such as the following should as far as possible be avoided :—

Babeliya.	Kalwar.
Barai.	Kasai.
Bhangi.	Khatik.
Bharbhunja.	Kori.
Chamar.	Kunjra.
Darzi.	Lodh (deleted in 1921).
Dhanak.	Mali.
Dhuniya.	Mazbi.
Dumra.	Mochi.
Gararíya.	Pasi.
Hajjam.	

Recruits should be sought among the following classes :—

Hindu.	Muhammadan.
Gujars.	Panjabi Musalmans.
Ahirs.	Pathans.
Jats.	Saiyids.
Rajputs.	Shaikhs.
Sikhs.	Julaha (for the armed police only).

Provided that—

(*a*) Muhammadans shall not be allowed to absorb more than one-half of the appointments ;

(*b*) (*c*) (*d*) . . .

* * * * * * * * *

POLICE REGULATIONS, 1928.—Para. 390 :—

Recruits must be of good character and should be drawn from castes generally recognised as respectable. Preference should be given to candidates of agricultural, police, and army stock. Gurkhas, ex-convicts, and members of criminal tribes and wandering gangs shall not be enlisted ; members of recognised menial classes shall not be enlisted without the sanction of the D.I.G. Brahmans shall not be enlisted in the armed or civil police of any district where they already number more than 10 per cent. in the armed and 5 per cent. in the civil police, Muhammadans shall not be allowed to absorb more than half of the appointments. In the armed police at least 10 per cent. of the force should if possible be composed of Sikhs or other Panjabis, Nepalese of British nationality and hillmen. In the civil police men of the U.P. shall be employed in preference to men from other provinces. . . .

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Para. 382 :—

In the civil police head-constables and naiks are appointed by the S.P. by promotion of naiks and constables of the district force. Also head-constables and naiks of the armed police.

Para 384 :—

Enlistments of constables for the armed and civil police will be made by Superintendents.

LUCKNOW.

Dated, 5th December, 1928.

PRESENT :

ALL MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND), AND OF THE UNITED PROVINCES PROVINCIAL COMMITTEE.

Mr. A. MONRO, I.C.S., Collector of Cawnpore, and Mr. P. MASON, I.C.S., Superintendent, Dehra Dun District.

74. *The Chairman*: We have here two representative district officers, Mr. A. Munro, the Collector for the Cawnpore district, and Mr. P. Mason, who, I think, is the Superintendent of Dehra Dun ?—(*Mr. Monro*): Yes.

75. They use a different word in your district, Mr. Mason, but I understand that it is the same kind of officer ?—(*Mr. Mason*): It is identical with Collector.

76. I will put a few questions primarily to Mr. Monro, and one of my colleagues here will perhaps supplement them by some questions addressed more particularly to Mr. Mason, and if we deal with matters on which you do not like to say anything, please say so. Mr. Monro, what is the size of the Cawnpore district ?—(*Mr. Monro*): Between 2,500 and 3,000 square miles.

77. Of course, as we realise, it includes the great city of Cawnpore, of something like 200,000 people. Is there any other big town in the Cawnpore district except Cawnpore ?—No.

78. And what is the population of the district, including Cawnpore city ?—I should think 800,000 roughly.—(*Mr. Mason*): 876,000 odd for the district, according to the United Provinces Government memorandum.*

79. We want to get a little information from you about the working of elections. There will be district board elections going on now, will they not, more or less ?—(*Mr. Monro*): Yes ; they finished in Cawnpore, I think, on the 2nd.

80. That is in the Cawnpore district ?—Yes.

81. And then there will be municipal elections ?—For special reasons they have been postponed in Cawnpore. They will not take place till February, but in other places they are due within the next week or so.

82. And then, of course, there are elections for the legislative council, which I think takes place at the same time, does it not, as elections for the members for the Legislative Assembly ?—Yes ; next winter.

* Vol. IX.

83. Have you had experience of the different general elections that have taken place since the introduction of the Reforms, the elections of 1920. 1923 and 1926 ?—Yes, I saw them all.

84. Would you tell us whether there is an indication of increasing political interest in the electorate ? —Are you referring to council elections ?

85. Shall we start with the district boards ? Have you seen more than one district board election ?—Yes, I have seen two.

86. Let us go back to the beginning of the district board elections under the District Boards Act, after there ceased to be an official chairman and when the system was reorganised under the Act. What about the interest taken in the district board elections when they first started under the present Act ?—At the first election I do not think the ordinary rural voter really had any idea of what the voting meant at all.

87. How does that compare with his position today ?—I think in these years he has acquired a certain dim and hazy idea that his vote will put somebody on some committee which will deal with roads and schools. He is not very definite, but he knows at any rate that much.

88. I suppose he is canvassed, or is invited or urged to use his vote in favour of one candidate or another, is he not ?—Rivalry among the candidates is increasingly keen.

89. You are still speaking of district board elections ?—Yes.

90. Still, I believe the figures show that there is a fairly large vote ; if the ordinary cultivator has not got, as you think, a very clear idea about it, why does he vote ?—Well, he votes because usually the zamindar encourages him and urges him to do so. I think if left alone he usually would not trouble, but as I say, there is considerable rivalry, and a candidate will get the support of a zamindar in the village who will induce his tenants to go to the poll.

91. In your district board elections you have, have you not, a separate electorate, communal representation, for Muhammadans ?—Yes.

92. Do the Muhammadans vote on the same day or on a different day ?—They have a different day.

93. *The Chairman* : Does that happen elsewhere ?

Dr. Suhrawardy : Yes.

Sir Zulfiqar Ali Khan : In the Punjab they have the same days for voting, but the Hindus go to polling stations at different places from the Muhammadans.

94. *The Chairman* : Is that so in district board elections ?

Sir Zulfiqar Ali Khan : I am talking about them.

Dr. Suhrawardy : In Bengal we have no separate day for the legislative body.

95. *The Chairman* : You might just tell us this, though it is only by way of example in your own district board, how many Muslims are there and how many Hindus ?—There are eight Muslim seats and 24 non-Muslim, and there are two nominees of Government.

96. I remember there is a provision in the law that there might be two, but I think the law says that the Governor where possible shall fill one with a representative of the depressed classes ?—That is so.

97. And is that done in your district ?—Yes.

98. I do not want us to spend time this morning about the depressed classes, because we are going to have a special sitting for the purpose ; but you might just tell me this in your own district. To what extent are the depressed classes in the Cawnpore district separated from the rest of the community as regards the use of wells, and so on ?—Well, sir, it varies from village to village. In certain villages you will find there may be an encampment of *Kanjars* and other people of very low caste, who are precluded from using the village well, and you will see places where they are forced to live outside in separate little hamlets. It seems to me a good deal depends on the broadmindedness of the particular zamindar or zamindars.

99. I might perhaps ask your neighbour, how is it in the Dehra Dun district ?—(*Mr. Mason*) : The low caste people in the hill section keep their houses apart from the high caste people's. They call them *Koltas*, and the *Koltas'* houses are always anything up to 100 yards away from the higher caste houses, and not so well built—more mud and less deodar wood, and that kind of thing.

100. What about the use of water ?—I have heard of no trouble about water in Jaunsar, but I had a very bad riot in Almora because the depressed classes insisted on going to a certain ravine where the higher classes took their water, and drawing water ; the higher classes set on them, and we had quite a bad riot.

101. Mr. Monro, you say it depends a good deal in your district on the attitude of the leading citizens. The depressed classes, I suppose, get employed, do they not, in menial work and physical work ?—(*Mr. Monro*) : There is always a certain community of casual labourers in every village, most of them *chamars* and members of the depressed classes. They act as ploughmen for the higher caste tenants to a great extent.

102. Do not the higher classes plough ?—A Brahmin and Thakur tenant as a rule does not plough himself ; he hires casual labour to plough for him. I imagine that he considers it beneath his dignity ; that is the only reason I can assign.

103. The indignity of labour, apparently !—Yes.

104. You used to be, I suppose, the chairman of the district board in the days of *ex-officio* chairmen ? —Yes, I was.

105. And now, as we know, there is a change. I am not asking you to discuss the policy of it, but I would like to get one or two facts. First of all, when you were chairman of your board, how far did the rest of the board, the other members, take any part in the work of the district board ?—Are you referring to the interest in the agenda of the meetings ?

106. I was referring to the meetings, yes. I want a description from you of the average meeting of the district board when you were the chairman, and you had members of the board who were elected. I want to understand the relation between you and them ?—Well, there was very little discussion at those meetings. The agenda was read out and explained, but not much was ever said. A meeting did not take long.

107. That rather suggests to me that the proposals which you put forward before the board were usually accepted ?—They were usually accepted in those days, yes.

108. Rather automatically, I expect ?—Yes.

109. Would you have said that in the days when there were official chairmen, as far as you know, that is a fair account of the way the system ordinarily worked ?—It is difficult for me to speak for everywhere, but I think it is more or less true of most districts.

110. Of course, the district officer is a very busy man ?—Yes.

111. I gather as chairman of the district board he got through his work more expeditiously than a chairman of a conference can ?—That may be so !

112. Now, there is a change. I do not want to ask your criticisms on policy, but I want to know what is the nature of the change. The chairman is now an elected chairman ?—Yes.

113. I wish you would just give us your own description of the nature of the change which has come about ?—A strong agency has been replaced by what must necessarily be a very much weaker one, because when the official chairman existed he had the whole of his revenue staff not only to carry out any orders he might give, but there was a regular inspecting agency who wandered through the country in the winter, and it was part of their duties to inspect repairs done to schools and roads, to inspect pounds and look at accounts. When the non-official chairman came in, he was immediately deprived of

all this staff, and there has never been any replacement of it.

114. That seems to come to this—I gathered the same thing when we heard Sir Ivo Elliott the other day—that the change did not really consist merely in the removal of a district officer as chairman and the substitution of an elected chairman, but that it involved the removal of the district officer with all the district officer's subordinate staff, which the district officer had used to see how the work was getting on ?—Yes.

115. An elected chairman has got to carry on without the advantage of such a staff ?—Yes.

116. *The Chairman* : Does the elected chairman in your experience himself go about the district and see what is going on ? I think probably they used to call it " camping " ?—(*Mr. Monro*) : Yes.

117. Is that what the elected chairman does ?—He is not much addicted to camping.

118. As a matter of fact has he got the facilities for camping ?—He is provided with tents and all the other facilities, but I have never seen a chairman camping much. It is the secretary who does a good deal of touring.

119. He does tour about ?—Yes.

120. Take roads for example. The duty of keeping in repair the roads is under his charge ?—Yes.

121. How is that done under the present system ? —The work of repairing roads is delegated to what they call the *tahsil* committees. *A tahsil* is a subdivision of a district. These *tahsil* committees elect their own chairmen and make themselves responsible for the repair of roads, and they very often put individual members in charge of a certain strip. He is given the money for the repairs and he is responsible for seeing that the work is done.

122. Do you mean that a member of the district board is put in charge of the roads ?—Yes, it amounts to that.

123. And given the money, which he spends ?—He is not usually given the money in case of metalled roads, but for non-metalled roads, in my district he or an individual member is generally responsible.

124. If the roads are going to be repaired, if a strip of road is going to be repaired, presumably there must be some allotment of money to be spent on it ?—Yes, that is given to the member and he is supposed to get the repairs done.

125. Of course, one cannot help seeing that the system is open to some possible disadvantages. But does it work reasonably well, you think ?—I think its working is not at all satisfactory as a rule.

126. Why not ?—I think money very often is not properly spent. The other day I passed along an important non-metalled road for which I found that money had been allotted, but I could not even tell where the road began. Even the boundaries were invisible.

127. I would like to ask you about one other thing in connection with the district boards, a very important thing. Take the medical services. How are they dealt with ? You have dispensaries in these places ?—Yes, there are dispensaries all over the country. The number is quite insufficient.

128. Have you been in Cawnpore district for a considerable time ?—Yes, I have been there for three years.

129. Where were you ex-officio chairman ?—On the last occasion it was in Bareilly.

130. I do not know if you have been in any one place long enough to be able to express a view as to whether progress has been made or not, or whether on the whole you think that the administration in these districts has gone down or not ?—You mean, speaking generally, or in regard to medical relief ?

131. I am speaking generally ?—I have not been in the same district before and after the change, but I think it has affected the administration. I think I can definitely say that there has been an all round deterioration, and one of the reasons for that is a lack of supervision, the lack of an inspecting and supervising staff at the disposal of the chairman.

132. Of course even if you had a model chairman and a model board it would be very difficult to administer a district and deal with all the subjects unless you had an efficient staff such as the official chairman used to have. Is that your view ?—I think that the creation of some supervising staff is essential, yes.

133. What do you feel about it, Mr. Mason ?—(*Mr. Mason*) : I think exactly the same as Mr. Monro, except that in small districts such as I have been in we still do a fair amount of inspection, but in a big district like Cawnpore where the revenue staff are not doing any inspection work I think things must be deteriorating immensely.

134. I understood Mr. Monro's point to be that the supervision of repairs of roads, building of dispensaries and things of that sort was an important thing for the chairman to carry out through his subordinate staff, and that when the elected chairman comes along he is set a much more difficult duty because he has got to do what he can without having such a subordinate staff ?—Yes.

135. I do not for a moment see therefore how there is a difference between a small and a big district in this respect ?—We have less work in the small district and so we have more time to look into these other things.

136. Tell me one other thing. You still see, I understand, the agenda and proceedings of the district boards though you are not chairman of the board ?—(*Mr. Monro*) : Yes.

137. What I would like to understand is, what is the practical advantage of that ; what is the value of that, excepting perhaps curiosity ?—It is useful to know exactly what is going on in the boards, and occasionally some matter may arise in which it is desirable to write to the chairman to protest or to ask him for further details.

138. In your experience, does the chairman, the elected chairman of the board, from time to time consult you ?—He frequently does.

139. What I wanted to know was, what about the central department, what about the ministry of Local Self-Government, the Secretary of the Local Self-Government department ; does he come into this at all ?—Generally papers are forwarded to him. I get a copy, another copy goes to the commissioner and another to the Secretary.

140. Are there cases in which the Collector thinks it his duty to make recommendations to the ministry of Local Self-Government ?—It does occur, yes.

141. Does it happen very often ?—No, I do not think it happens very frequently.

142. Does it mean that it happens only in serious cases ?—In a matter which the Collector thinks serious, he may bring it to the notice of the higher authority.

143. Have you had occasion to do that ?—Occasionally.

144. Then, what does happen ?—I do not think anything usually happens. No action is taken. I do not think it is the policy to interfere with the actions of local bodies.

145. That is rather striking to some of us who come from England, because though local self-government is very highly developed in England and the authority of the local bodies there is considerable, at the same time there is in fact a very effective check and control exercised by the central department, by the Ministry of Health. Would you not say so ? (to Colonel Lane-Fox).

Colonel Lane-Fox : Yes.

146. *The Chairman* : It is partly due to the fact that the central body is making grants of money to help to finance the local self-governing body, and it is partly because we have an adequate system of inspection and audit from the centre. How far have you got the counterpart of those things here ? Let us take grants-in-aid. Does your district board, speaking broadly, get grants from the provincial exchequer ?—I have not got the figures in my head,

but the education grant is always very heavy. It is a big sum.

147. It is a substantial proportion of the money spent ?—Yes, on education, certainly.

148. Are there grants for medical relief ?—Yes, there are.

149. What about the inspections ? I am not speaking of inspections done on behalf of the district board. I am speaking of inspections on behalf of the ministry, the central body ?—There is very little as far as I know. Audit of course takes place yearly. The civil surgeon inspects the district board dispensaries, but he has no means of getting his suggestions carried out. He is responsible for inspecting several times a year each and every dispensary in the district. He writes a note, but there is no means of forcing the board to take any action on it. In the same way officers of the Education department inspect the schools.

150. *Major Attlee* : I was going to ask you about the system of road work done by the local boards. Is that done at the sweet will of the locality, or is it laid down in the Code ?—It is laid down in the District Board Act.

151. It is laid down in the Act that the local representatives should look after the repairs of roads, etc. ?—It is laid down in the Act that the board should create *tahsil* committees, which are entrusted with the management of roads in certain areas. They delegate a bit of a road to a member who happens to be living near by for convenience, the idea being that the man on the spot can do the work more easily. The members are elected from members of the board itself.

152. *The Chairman* : It is a sub-committee of the board supposed to take up some sub-division ?—Composed of representatives of that sub-division.

153. *Major Attlee* : In practice they delegate the work to one particular member, who undertakes the job ?—No, there will be several strips of roads and different members will have charge of different bits.

154. Is that in the Act ? Is that how they interpret the Act ?—The creation of *tahsil* sub-committees is a part of the Act.

155. I can understand the sub-committee, but the work being handed over to one member seems to me a very bad practice ?—I cannot speak with great certainty, but I do not think it is against the spirit of the Act.

156. Mr. Mason, you have been specially concerned with hill districts ?—(*Mr. Mason*) : Yes.

157. You have been in the Kumaun division ?—Yes.

158. We were interested to notice in this book (* * * United Provinces Government memorandum)* the very high proportion of voters to population in that area. I understand that is due to the land system ?—Yes, everybody more or less owns his own land in Kumaun. There are very few tenants. They are all little landowners. Each owns and cultivates his own little bit.

159. You have conducted elections in Garhwal ?—Yes.

160. And subsequently also in Barabanki ?—Yes.

161. Did you find any great difference in mentality or interest of the voters in the two places ?—I found a lot of interest in Garhwal which is supposed to be backward, far more than in Barabanki which is only 17 miles from here. There was a particular reason for that. About 80 per cent. of the upper classes in Garhwal are Rajputs and about 20 per cent. are Brahmins, and they do not like each other. The Brahmins are the cleverer ones and the Rajputs are the ones who do things. The only public man they had there then was a very good Brahmin. He had done a lot for Garhwal, and so he was naturally put up as a candidate. Then the Rajputs put up one of their own, and it was a Brahmin *versus* Rajput fight, a straight fight, and so the Rajputs simply swamped the elections.

* Vol. IX.

162. Who is the present member from Garhwal ? Is he a Rajput ?—No, he belongs to the depressed classes.

163. How did that happen ?—When the Brahmins found that they could not get a Brahmin in owing to their numerical inferiority, they decided that anybody was better than a Rajput, and there happened to be a rather eligible man. He was educated in England. He is a barrister, a man of some dignity, and so they set him up.

164. And he got in ?—Yes, he got in easily, because another point is, the Rajputs have no cohesion. If a Rajput is successful the others envy him. People would say that he is doing everything for himself and nothing for the public. That is a sort of catch-word—"*wuh apne waste sab kuchh karta hai*," "'*public*' *ke waste kuchh nahin*." So, a lot of Rajputs, all the Brahmins and such of the depressed classes as had votes, if any, must all have run this other man, and he got in easily. It was after I left, but I think that is the explanation.

165. I gather that there was a keen contest, but not strictly on political issues ?—Exactly. The Rajputs come into the polling station shouting the name of their candidate. In this case the name was Jodh Singh, and as they came in they shouted "Jodh Singh," waving their *lathis* and so on, and they voted for him.

166. I think you conducted two elections in Barabanki ?—Yes.

167. Would you tell us what sort of elections they were ? What was the issue ?—I had not very much to do with the first election because when I took over charge all the arrangements had been made. One candidate was a big landed magnate and the other was a smaller landed magnate. The latter with a lot of political knowledge and a lot of education defeated the former who was nothing more or less than a big landed magnate ; it was however a tight contest.

168. Would you tell us what methods were adopted for the contest ? Were there any public meetings ?—No.

169. Was any literature supplied ?—No.

170. Then how did the voters come to the polls ?—Each big landlord gave an order, "We are going "to vote for so and so" and he told his orderlies, who simply marshalled the villagers and marched them to the polls. That was the case at both these elections.

171. Was not the polling in the second election very high in that area ?—Yes, I think we had the highest in the province.

172. It was something like 80 per cent. ?—Yes.

173. But you think that the election was still more or less on personal issues ?—There were differences of opinion between the big taluqdars, and one party brought in a man from outside and the other party stood by the sitting member. The sitting member told me that he divided up the whole district into circles and put a member of his family in charge of each circle. There was much speechifying and distribution of leaflets.

174. What sort of leaflets were they ? Did they consist mainly of personal attacks or self-approbation, or did they deal with any political points at issue ?—I am sorry I cannot remember what was in the leaflets.

175. Now with regard to the organisation of polling stations. As you had to cope with a very large body of electors, did you find any difficulty in starting polling stations ?—No. We had an officer on special duty at the first election in Garhwal. The roads in the hills meet at certain strategic points and so we put the polling stations at those strategic points.

176. I take it that in Garhwal a large portion of the electorate is illiterate ?—Yes.

177. What will be the percentage ?—I think it is about 85 per cent. ; it is a very backward place.

178. I gather that if a voter is illiterate the polling officer makes the mark for him ?—Yes.

179. Who identifies the voters ?—The voters are all identified by the village patwari.

180. Do the voters know for whom they are voting ?—In the majority of cases, no. For instance, I spoke to a number of voters in Barabanki who told me that they did not know the man for whom they were voting by order.

181. Is there any secrecy about ballot ?—Practically none. I heard an agent complaining that some of his voters had voted against their promises or orders.

182. *Lord Strathcona*: In the effective handling of difficult situations, such as communal riots, demonstrations and so forth by the police, do you find that at all events or sometimes you are tied down by orders from higher authorities ?—(*Mr. Monro*): It is a difficult question.

183. I will put it the other way. Have you sufficient police at your disposal to deal with such situations effectively ?—A large number of the police was reduced, I think, in 1922 and 1923, and I should say that they are on the short side but they are sufficient to deal with ordinary emergencies.

184. In putting the question I had chiefly in mind the statement made on page 48* of Volume I about the district officer. It is stated: " If his sphere of " authority has been largely curtailed, his power to " maintain law and order and to collect the revenue " seems for the present, at any rate, to be little " impaired. But the foundations of his authority " have undoubtedly been weakened, and it remains " to be seen whether they are still strong enough to " withstand such an onslaught as they successfully " withstood in some parts of the province in 1921–22." —That paragraph, I think, refers to the general weakening of the district officer's position.

185. *The Chairman*: Paragraph 51 in effect says that the district officer has not of recent years escaped criticism from the legislature. Then paragraph 52 gives the reasons which influenced Government to reduce the period to be spent on tour by officers of the district staff and says " This undoubtedly affected "the efficiency of the administration." I should add that the district officer is no longer the father of the district in the sense that he is the chairman of the district board or of the municipality. The last paragraph sums up the position and says that " the " district officer is still the principal executive agent of " Government, the one man who can get things " done. . . . He is still the principal link between the " Government and the people." . . .

The Witness (*Mr. Monro*): His position is naturally less strong now than it was a few years ago. I think that the various points mentioned in these paragraphs are true.

186. *The Chairman*: I might refer to one other passage on page 45*: " There has undoubtedly been " much deterioration in local self-government, much " jobbery, and much injustice. The district officer " is constantly being appealed to regarding wrongs " which he has no longer the power to remedy." I do not know whether it is right or wrong, but that is the basis on which the concluding paragraph is supposed to be founded.

The Witness (*Mr. Monro*): These wrongs refer, I take it, to the wrongs in the sphere of local self-government.

187. *The Chairman*: I understand that people come to the district officer from time to time and tell him that such and such a thing should be altered or changed. In the old days the district officer, right or wrong, had the power to act, but now I gather that his powers are less than they used to be ?—Yes.

188. *Lord Burnham*: I am very much puzzled still, Mr. Monro, regarding the exercise of the power by the local Government in this province. You said that it was only occasionally that the control of the local Government had been exercised, and on page 488, paragraph 352,* you have set out how under the Act of 1922 the major and minor powers could have been exercised. Now, on page 498, it is stated: " By 1921 the road system had begun to be painted " in gloomy colours. Commenting on the district " officer's and the commissioner's description of the " metalled roads in Etawah as being ' in a state " that defies description,' Government stated ' the " position in Etawah is not exceptional.' " Then it is stated that " Government have therefore decided " to go to their rescue. The boards were consulted " whether they would agree to the metalled roads " being resumed by Government, but the suggestion " was, generally speaking, rejected." I would like to know whether no action was taken ?—I do not think the emergency powers to which you refer were ever used; I cannot remember any occasion in which these powers were used.

189. Now about these tahsil committees. I see on page 491* it is stated: " As one chairman remarked, " ' the representatives of a tahsil may be an ill- " assorted collection of incapable individuals.' " I cannot see, and I should like you to tell me, how under all these circumstances it was that the powers were not exercised ?—I can only say that it appears that the general policy is not to interfere with the local bodies, but to leave them alone.

190. Policy seems to me to be a misnomer. Whose policy ?—You are removing me from my sphere, sir.

191. I quite realise your position. I put the question because you, as one of the district officers, have these powers. You understood that you were not expected to exercise them ?—Except in very rare cases.

The Chairman: On pages 468, 469 and 470* are given the view taken by the successive ministers in regard to this matter. It is said that " The present " minister's view is that control should be exercised " indirectly and chiefly through giving grants on " definite conditions, or withholding them if those " conditions are not fulfilled." I have thought that at first the ministerial policy was rather to avoid interference with local bodies, but that the policy of the present ministry, I would rather think, is to exercise full control.

Lord Burnham: Yes. But I was rather putting forward the view that this control had better be exercised before it is too late.

Mr. Srivastava: May I point out that pages 468 to 470 refer to municipal boards while reference to district boards is contained in page 503* ?

The Chairman: I am sorry; you are right, Mr. Srivastava.

Lord Burnham: I was thinking whether this Commission might be able to lay down rules which would be of advantage to these bodies.

192. *Colonel Lane-Fox*: Whenever the elected chairman of a local body wants any assistance from the revenue staff, is it given ?—Yes. He can always come to the revenue staff and ask for special help in case of need.

193. Does the chairman get any allowance ?—He draws travelling allowance.—(*Mr. Mason*): No member can get any travelling allowance without the sanction of the Government, but about the chairman I cannot tell you.

194. Who looks after the roads ?—They have their overseers and sub-overseers who know a little of engineering.

195. I see there is a very good, an extremely good, metalled road from here to Cawnpore; who pays for that ?—That is a Government road.

196. The district board does not pay for it at all ?—No.

197. *The Chairman*: What is the department that looks after that ?—The Public Works department.

198. *Mr. Srivastava*: Mr. Monro, the chairman of the district board is not a paid servant, is he ?—No.

199. The post is an honorary one ?—Yes.

200. And that is the reason why he cannot give up his own business and go about to supervise the

* Vol. IX.

work of the district board in the district ?—I should say he would have time if he had the inclination.

201. But still he is not like a paid servant ?—No ; that is correct.

202. *The Chairman* : The system here is the same as in England, that everybody who is elected to a local body is giving free service ?

Mr. Srivastava : Yes.

203. You said that you have not exercised your powers at all. Will you please refer to page 504 of the memorandum,* paragraph 379, wherein the present minister's policy is set out ? It is stated there, " The less drastic powers of control have been " exercised more frequently." What are those powers that have been so exercised ?—Suspension of resolutions as mentioned there and removal of members who failed to attend meetings.

204. Have you suspended any resolutions ?—I have never taken action of that sort.

205. Why ? Did you consider that all the resolutions that were passed were all right ?—By no means, no. But no such extreme case came to my notice as to justify that action.

206. They were generally all right and they did not require suspension ?—They were not sufficiently perverse, in my opinion, to justify any action of that sort.

207. Have you any knowledge of corruption in elections ? Have any cases come to your notice ?—I have heard rumours of it.

208. You have conducted several elections ?—I have received very credible information that corruption is not altogether absent.

209. But it is not rampant ; there may be some of it ?—On occasions I should say it is very rampant in some elections and in others it is less so.

210. You have some knowledge of the working of the panchayats, have you ?—Yes.

211. You have something to do with panchayats ? —Yes ; I have to deal with panchayats in my ordinary business. Under the Panchayat Act the Collector is the general supervising authority of a panchayat.

212. How many panchayats are there in the Cawnpore district ?—About seventy.

213. What do you think of the development of panchayats ? Do you regard them as useful ?—I am of opinion that where they are successful and where they are working well, they are very useful.

214. What are the factors which contribute to their success ?—Lack of dissension among the panchas and zamindars, as a rule.

215. But you select the panchas ?—I do not.

216. The district officer selects the panchas ?—No. A sort of informal election takes place. It is stated in the Act that the district officer in consultation with local opinion selects the panchas. In practice a sort of little election takes place and usually the district officer accepts the results of that election.

217. How do you carry out these elections ? Is there a ballot ?—No ; it is only an informal business.

218. How do you consult the public opinion ?—The tahsildar goes there where the people are collected and he asks them to elect the panchas by lifting up their hands and that sort of thing takes place.

219. Do you think that panchayats ought to be developed more ? You have stated that you found them to be useful ?—Yes ; where they flourish their development should be encouraged. There are some in Cawnpore doing very useful work indeed.

220. Are you getting the necessary encouragement in the development of panchayats ?—From whom ?

221. From the people. Do the people co-operate with you in the development of panchayats ? Do they like them ?—Whenever any village expresses a desire to have a panchayat created I should always be prepared to assist it.

222. Is there any opposition from the people when you want to start a panchayat in a certain village ?—If there were opposition there would be no question of starting it. Harmony is essential to its successful working.

223. *Khan Bahadur Hidayat Husain* : Is it or is it not a fact that you are often appealed to for withholding a decision or a resolution passed by a municipal or district board ?—It does occur.

224. You are chary yourself of interference in the affairs of these boards ?—Yes.

225. Is it not your opinion that under the District Board Act far larger powers have been given to the representatives of the district boards than to the representatives of the municipal board ?—That is so, yes.

226. Do you think that the district officer should be given a freer hand in interfering in the affairs of the district board ?—Well, this is a matter of general policy. I think there ought to be some supervising authority in the district board.

227. I was just thinking of some official or an employee of the district board being troublesome in the district. Of course you have got no control over such an official if he is inclined to create trouble in the district. Would you like to have some sort of touch between the district officer and the employees of the district board in the matter of either appeal from dismissal or promotion or appointments ?—It hardly seems to me to be practicable.

228. It will not be practicable ?—I think not.

229. Do you like the district officer to be placed more in touch with the district board ?—You mean the dismissed employee should have an opportunity of appealing to the district officer ?

230. Yes. I find here that there is a complaint with regard to the attitude that is sometimes adopted by the members of the council over the work of the district officers. That is, the members have got more powers now of moving resolutions and so on. Would you or Mr. Mason like to have advisory councils attached to you for the purpose of advising you ?—(*Mr. Mason*) : Emphatically not.

231. What are your reasons ?—You are working all day. The more energy you give off in work the better the district runs. If you had got an advisory council to listen to, you would give off about half your former amount of executive energy, and that means the work would deteriorate. The more you can manage to do yourself or even to pretend to look at yourself, the better things go, and if you had got to discuss this and that with people many of whom would have axes to grind, I do not think you could get through the work.

232. You will escape the criticism of the council ? —I would much rather be criticised by the council than have an advisory council.

The Chairman : Nobody can be an efficient administrator if his principal object is to escape criticism.

233. *Dr. Shafaat Ahmad Khan* : You think that executive work requires promptitude of action and quick judgment and that the advisory committees would interfere with that ?—Anybody with an axe to grind would approach a member of the advisory committee and worry him until he took the matter up. The personal appeal, as you know, carries very great weight in this country.

234. You are of the opinion that deliberation is one thing and execution is another thing ?—Yes. I think a one-man executive is worth six collective executives.

235. As regards local bodies, Mr. Monro, you probably know that squabblings and disputes occur in the local bodies. Could you tell me very briefly what are the reasons or grounds for these squabblings and disputes ? On what items or subjects do these disputes occur ? Take education, for instance. Does education lead to frequency of disputes among the members of local bodies ?—(*Mr. Monro*) : Disputes of what nature ?

236. Appointments of teachers and to various posts maintained by the local bodies ?—Do you refer to communal tension in the matter, or what ?

* Vol. IX.

237. I am only referring to the wrangling that goes on among the members of local bodies over the question of appointments ?—Yes, wrangling does go on.

238. What are the other causes besides the appointments to the various services ?—There is more than one party in a local body each opposing the other and there is wrangling whenever an opportunity occurs.

239. There has been communal tension also ?—Generally we have communal tension.

240. What is the cause of the communal tension ?—That is a very difficult question to answer.

241. Can you give a specific cause in your own district ?—There is no specific cause in my district. It exists in my district for the same reason as it exists in the rest of India. I do not think there is any specific local reason.

242. Can you tell me what were the causes of the riot that took place in Cawnpore last year ?—Due very largely to the general communal tension.

243. There is no particular cause that gave force and vitality ?—No, I do not think there was any.

244. On page 46, paragraph 50, of your memorandum,* there is a sentence which runs as follows: "To make matters worse Government orders were "often the somewhat indecisive result of a com- "promise between its official and its non-official "sides and district officers found difficulty in inter- "preting them." Have you found this difficulty in Cawnpore ?—That is a difficult question.

245. You think you cannot answer ?—I prefer not to be pressed on that point.

246. Do you think that the pressure exercised by members of the legislative council does affect largely or to a small extent the district authorities ?—The pressure exercised by members upon whom ?

247. Say on the members in charge of the various Government departments ?—That also is a question which I cannot answer.

248. The last sentence in the same paragraph runs: "The fact that Government even on the reserved "side is largely dependent on the legislature must, "however, inevitably set up a tendency towards "centralisation" ?—Yes.

249. "and render Government less willing to leave "discretion in the hands of their local officers." Has any case of this kind occurred ?—These questions are difficult for me to answer.

250. To the best of your knowledge nothing of this kind has occurred ?—I cannot answer.

The Chairman: We have always to remember what is the class of witnesses that we are having. I think a district officer cannot be expected to throw special light on the sentence you just read out.

Dr. Shafaat Ahmad Khan: I think he could in some cases. Of course it may not have occurred in his particular case. I quite admit that.

Mr. Srivastava: This does not refer to local self-government, sir. It refers to departments on the reserved side.

251. *The Chairman*: What is the question you wanted to put in connection with that sentence which you just read out ?

Dr. Shafaat Ahmad Khan: My question is this: Can you tell me any case in which owing to the pressure exercised on the Government the policy of the district officer has been affected ?

252. *The Chairman*: May I put the question for you in a slightly different form ? In your experience of recent years was a district officer given less discretion than he used to have in dealing with administrative matters ?—On the whole I should say he probably has less discretion.

253. *The Chairman*: I gather that you think that on the whole the district officer has less discretion than he used to have.

Dr. Suhrawardy: That is stated in the very next sentence that follows, sir.

254. *The Chairman*: "This tendency has resulted "in some curtailment of the exercise even of the "powers vested in the district officer by law." I am obliged to you, Dr. Suhrawardy. (To the Witness): Do you know what that refers to ?—I cannot say.

255. Let me make a suggestion to you. It may possibly refer to special sanctions to prosecution ?—(*Mr. Mason*): We cannot drop or quash any criminal proceedings, once they are instituted, without first getting permission from the Government. (*Mr. Monro*): It might refer to that, sir.

* * * * * * * * *

256. *Dr. Shafaat Ahmad Khan*: May I ask you, Mr. Monro, one more question ? Do you think that during the election of 1926 for the legislative council, of course in your district, only personal qualities of the candidates counted, or the work they did in the council for the last three years was taken into account by the voters ?—You mean the work done in the years 1923–26 ?

257. No ; 1924–26 ?—Well, the member who was elected in 1924 was not elected in 1926 ; I suppose you can draw your inference from that.

258. So it did count ?—It is a matter of inference.

259. Is it not true that in many districts persons who had taken a very active part in tenancy legislation were really considered good and were voted for by the people because they had done some work for the peasants ? So it was not merely some personal issue, but the issue of their sterling merit which led to their election ?—I do not think that in every district the rural voter could have appreciated at the time of election what tenancy legislation meant.

260. You think that the voter in 1926 did not know what benefits he got by the passage of the Tenancy Act ?—The Act had been in force for about two months at the time of the election.

261. Do you think that even now he does not know it ?—He may have begun to know it now.

262. Will they not appreciate the work done by the person who was there and who helped to pass that Bill into law ?—I think that probably local influences might counteract any feeling of gratitude the voter might feel about the benefits received.

263. Are elections to the council and the board sometimes conducted not on personal issues, but on the issue of caste ?—In rural areas it does happen.

264. A person belonging to a particular caste gets the votes of that caste ?—Yes.

265. *Babu Rama Charana*: You have told us that there are about 70 panchayats in your district ?—Yes.

266. Members of the *Chamar* community and other depressed classes are freely admitted into those panchayats ?—They very seldom are elected.

267. Will you just give us an idea of the proportion of the depressed class members in the panchayats to the others ?—I do not suppose that there is a single one on a village panchayat. I cannot speak about that with exactitude.

268. You are not aware ?—I think it is improbable that there will be a single member.

269. There are very rich *Chamar* families in your district, are there not ?—There are one or two in the city.

270. There are zamindars, too ?—One or two possibly.

271. Are you or are you not aware of the constituent members of panchayats and the class to which they belong ?—It varies from village to village. I cannot ever remember coming across a panchayat in which as a matter of fact a member of the depressed class was a member. I cannot personally recollect it.

272. Do you know of a case in which a member of the *Chamar* caste stood for election in the city, or in the rural areas ?—A candidate stood once in the municipal elections in 1926.

273. He is a very big zamindar ?—A rich man.

274. How was he generally treated by the high-caste voters ?—He complained that malpractices took place at the election and that his voters were not

* Vol. IX.

admitted, but I cannot say how far that is correct. He was defeated at the election.

275. I want to put one question to Mr. Mason. You were district officer in Barabanki at the time of the last election to the legislative council ?—Yes.

276. You spoke of certain posters and handbills having been distributed by candidates ?—I said they must have been distributed.

277. You say that you do not remember what the contents were ?—No.

278. Is it not a fact the Oudh Rent Amendment Act was very generally referred to ?—It is quite possible.

279. *Mr. Desanges* : Mr. Mason, I heard you say a little while ago that the district officer would rather like to be left alone than interfered with by any committee from the legislature. Have I understood you aright ?—Not from the legislature. I referred to an advisory council from the district.

280. You would rather be left alone. Do I understand you to say that as a district officer you rather deem yourself as a fit and competent person to run your own district ?—I consult men of my own choice and work single-handed without consulting any committee.

281. I am not on that point. I am on general administration. Then I take it that you run your district on your own responsibility and on your own guidance ?—Yes.

282. I do not think that you get much assistance from the commissioner to run your district. Do you ?—It is very useful to know that the commissioner is there. I consult him sometimes when I am in difficulty. If I could not quite decide what to do about an important point, I should write him a semi-official letter.

283. Do you not think considering that the advice that you get is so rare that you could run your district without the aid of a commissioner ?—I might run my district, but Government could not work easily. I mean, we are 48 district officers ; one man is experienced, one is inexperienced ; one is tender-hearted, one is hard-hearted ; one easily gets frightened, one never gets frightened ; so we all have different views. I had a practical case of that during a Bundelkhand famine. In one district we had a very senior man who had been there during the famine of 1897, and he thought that all was right. On the other hand, I had never seen a real famine at all, and the man between us was one who was still less experienced. If we had not had a commissioner to put all our reports together, one saying that everybody was starving, and another saying that everything was all right, and draw a general conclusion, what would the Government have known ?

284. Do you not think that that might not be interpreted in that manner ? The interpretation may be that the officers put in charge of those districts are not competent to hold charge of those districts ?—I will say that one officer was not at the time competent to hold charge of a famine district.

285. Do you say that the commissioner fills the position of making up the defects of a district officer ? —No ; he compares the reports sent by district officers and considers them from his own knowledge and his own superior experience, and then he can tell Government that *this* man is exaggerating, *that* man is minimising ; *this* man is recommending too much, *that* man's recommendation is enough ; and then they will know where they are.

286. But as far as yourself are concerned, I think you consider yourself thoroughly competent to run it ?—I would not say that.

287. Could you run your district if you did not have magisterial powers ?—I do not think so ; it would be very difficult.

288. You must have magisterial powers ?—That I think is the basis of our authority.

289. Then, might I understand that you run your district because of the fear that the people may have that you have magisterial powers ?—I think the knowledge that you have magisterial powers is the main plank in your authority ; undoubtedly.

290. *Kunwar Bisheshar Dayal Seth* : Mr. Monro, would you just tell me, did you as a district officer ever find any administrative difficulties in the excise administration of your district ?—I cannot mention any specific difficulties, but I was aware that one had to deal with a very large area with a very small staff. That I consider to be the chief difficulty that had to be faced.

291. Otherwise the work was carried on quite satisfactorily ?—Yes.

292. *The Chairman* : In substance, the question is, do you consider that you have been handicapped because Excise was on the transferred side ? That is the point ?—No, I do not think so.

293. *Kunwar Bisheshar Dayal Seth* : Do you think that communal tension is much less in rural areas than in other areas ?—It is less.

294. *Raja Kushalpal Singh* : Is it not a fact that at Allahabad in January, 1928, Sir William Marris paid a tribute to the members of the Cawnpore district board for the excellent administration of that board ?—Yes, the board was praised.

295. Is it not a fact that the commissioner of the Allahabad division complimented the Cawnpore municipal board on their good administration ?—Yes. In the annual report the board is described as one of the better district boards of the division.

296. Do you receive the annual reports on the working of district and municipal boards ?—They are forwarded through me.

297. Do you write the annual review of the working of district and municipal boards ?—That is the duty of the commissioner.

298. But, did you also write ?—No.

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302. *Raja Kushalpal Singh*: Is it not a fact that a large number of voters do not record their votes because they live at a distance of 8 or 9 miles from the polling station ?—(*Mr. Monro*) : I do not think a walk of 8 or 9 miles to the polling station would be noticed by the ordinary villager who thinks nothing of walking 20 or 30 miles a day.

303. *Sir Arthur Froom* : I think, Mr. Monro, that you and Mr. Mason have had many years' experience of district work in the United Provinces. Now, after reading these two volumes* (United Provinces Government Memoranda) which have been given us by the Government, will it be a fair conclusion for this Conference to arrive at that since the introduction of the Reforms—possibly it was only an intermediate stage—the efficiency of administration of the districts in this province has gone down ? Would it be a fair conclusion for the Conference to arrive at on the data given in these books and from what you gentlemen have told us ? I say, possibly as an intermediate stage since the introduction of the Reforms ?—Do you refer to the administration of the district officer as it is now ?

304. I did not quite appreciate it.—You ask whether the administration of the district is deteriorating. Are you comparing the position of the district officer to-day and his old position when he was the chairman of local bodies ?

305. In view of the position generally since the introduction of the Reforms ? We have read these books and you have told us your opinion on many subjects. Now, my question is, would it be a fair conclusion for this Conference to arrive at, though possibly as an intermediate stage, that since the introduction of the Reforms the efficiency of district administration has gone down ?—On the whole I should say, yes.

306. Perhaps we might describe it as a temporary malady, but can you suggest a remedy for that ?—

* Vol. IX.

Well, it is out of my province to give any opinion on a matter of general policy.

307. You think it impinges on a matter of policy ?—Yes, I should say so.

308. Might I make an improvement. If there was a greater and more efficient administration at headquarters would things be better ? I can give you an example. We were given to understand that the inspection of construction of such roads as are entrusted to district boards is practically nil ?—Yes.

309. And that similar inspection of other important matters also was nil since the work of district boards was divorced from the district officer. The deterioration might be merely a temporary one since the introduction of the Reforms, until everybody learns the work of the Reforms in the district. Would one of the remedies be a closer inspection from the headquarters ?—Of local bodies ?

310. Yes ?—I certainly think that in the rural areas it is required.

311. What do you think of that, Mr. Mason ?—(*Mr. Mason*) : I agree.

LUCKNOW.

Dated, 10th December, 1928.

PRESENT :

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND) AND OF THE UNITED PROVINCES PROVINCIAL COMMITTEE.

Kunwar JAGDISH PRASAD, C.I.E., O.B.E., I.C.S., Chief Secretary to the Government of the United Provinces.

1. *The Chairman* : Kunwar Jagdish Prasad, may I just ask a few questions on a matter which, I think, you would be prepared to help us about ? I think you will be able to give the members of the Conference useful information about the method followed in making appointments and postings in this province. You are, I believe, the Chief Secretary ?—Yes.

2. Does that mean that you work principally under the Finance Member and the Home Member ?—Yes.

3. Also I think you have been an official member of the council ?—Yes, I have been since 1921.

4. Then you have been a member since the beginning of the council under the Montagu-Chelmsford Reforms ?—Yes.

5. What position did you hold when you were first an official member of the council ?—I was the Education secretary.

6. Did you pass on from that to be Chief Secretary ?—I was Education and Industries Secretary and I was appointed Chief Secretary in July, 1927.

7. Were you or were you not what used to be called Reforms officer to the first elections ? You were the officer of the Government who was particularly in charge of setting in motion the new scheme of reforms as far as elections were concerned ?—Yes. In 1920 I was Reforms officer.

8. The point on which it will be very useful for us to have your information and help is with regard to the making of appointments and the postings to the various positions of officers whether in the Indian Civil Service or the Police Service or the provincial service or the judicial service. Let us begin with the executive and administrative officers of the district. As we understand, you will have a collector as the executive head of the district and associated with him you may have assistant collectors or deputy collectors ? Is that right ?—The district officer in some places, for instance in Oudh, is called the deputy commissioner.

9. He is called the deputy commissioner in the province of Oudh and collector in Agra ?—Yes.

10. Still, he will be called district officer ?—Yes.

11. And he will be assisted by a deputy collector ?—By a joint magistrate or deputy collector.

12. And it may be by an assistant collector ?—Yes.

13. The deputy collector is a man who belongs to the provincial service ?—Yes.

14. And the assistant collector is a man who belongs to the All-India service ?—He is called the assistant magistrate or the joint magistrate and he belongs to the Indian Civil Service.

15. Just explain to us, Mr. Jagdish Prasad, what is done in this province when the case arises for filling up a listed post ?—In the executive side or in the judicial side ?

16. I was beginning of course with the executive ?—The total number of listed posts fixed according to the recommendations of the Lee Commission is 25 and it is to be worked up to by the year 1939.

17. These are the listed posts ?—Yes ; the total number is 25. The recommendation is that 20 per cent of the superior posts should be listed. We have already listed on the executive side 7 posts.

18. I think I have been misunderstood. I was not asking you about the rate at which you are doing it but for a description as to what the term meant. I understand that the listed post is a post which is going to be filled by a member of the provincial service although the post is of a class belonging to the All-India service ?—Yes.

19. Now, then, supposing that an occasion arises when there is going to be a filling of the listed post from the provincial service, how is it done ?—First of all we select an officer whom we consider to be the most suitable for the post in question. We send up his name to the Public Service Commission for their advice in the matter. If they agree to our selection they send it back to us and we make the appointment ourselves and inform the Government of India that after consulting the Public Service Commission, who have agreed with us, we are making such and such appointment.

20. That is interesting. That means that in this province at any rate before appointing, let us say, a deputy collector as a collector, you ascertain the view of the Public Service Commission which is a Central Government body ?—Yes.

21. Do they as a rule agree or do they constantly make other recommendations ?—So far as I know there has been no case where they have disagreed with our recommendation.

22. What material has the Public Service Commission to judge the appropriateness of nomination ?—When we send up our recommendation we give our reasons as to why we are recommending a particular person.

23. You do not send more names than one ?—In the executive side we do not, because we generally select a senior man and one whom we consider to be the most suitable.

24. Of course after all it is a responsibility of the provincial government to staff its executive. That would be illustrated, would it not, by the case of appointing a man on the provincial service who has

reached the position of a deputy collector to a listed post as a collector ?—Yes.

25. Before we come to the question of what considerations govern it, let us take the police. Are there cases where a deputy superintendent of police who is a provincial man is promoted to the position of superintendent of police ?—Yes. In this department 13 posts are to be listed and we have already listed 9 and there too the same procedure is followed. We consult the Public Service Commission before we make the appointment.

26. There are, are there not, similar cases where your department is concerned in judicial appointments ?—Yes. We first ask the Chief Court of Oudh and the High Court to make a recommendation. We get recommendations both from the Chief Court and the High Court and then we decide which recommendation to accept.

27. Recommendation for what ?—For the post of a district and sessions judge or the post of a sessions and subordinate judge which is also a listed post.

28. Let us see if we follow what it means in substance. A district and sessions judge, if I follow right, will sit at his court at the district headquarters and in his character as a sessions judge try criminal matters and in his character as a district judge hears civil cases ?—Yes.

Sir Hari Singh Gour: Under the Civil Procedure Code the district judge is the principal civil court of original civil jurisdiction.

29. *The Chairman*: He has both original and appellate jurisdiction ?

Sir Hari Singh Gour: Yes.

30. *The Chairman*: Having asked the High Court or the Chief Court what does the Government do ?—The Government sends the case up to the Public Service Commission recommending that such and such a person is the most suitable and we ask them whether they agree, and if they agree we make the appointment.

31. There again the important thing to note is how far is the recommendation made by the High Court or by the Chief Court of Oudh a recommendation which decides the matter in the end ?—In the first instance both the courts are consulted simultaneously and the Government then decides which recommendation to accept, the recommendation of the High Court or that of the Chief Court. There is a separate cadre of judicial service for Oudh and a separate cadre for Agra.

32. Are people moved from the Oudh province to the Agra province ?—Not in the subordinate judiciary.

33. The law of landlord and tenant, for instance, differs in the two provinces ?—Yes.

34. What I want to get at is this, never mind the detail of it. Would it be right to say that in the United Provinces, in substance, the recommendation of the High Court determines the appointment or is the recommendation of the High Court in practice set aside and another appointment sometimes made ?—Sometimes it is set aside. It is not invariably accepted because we have also to consider the recommendations of the Chief Court and compare them with those of the High Court.

35. You have not followed me. I am not complaining or criticising at all. I fully appreciate that if you get two recommendations you will have to choose between them. What I want to know is, does the executive government go outside judicial recommendation and say, " it is all very well for " judges to recommend Mr. A. B. ; we will appoint " C. D."—If we find there is any difficulty in accepting their recommendation we consult the High Court again. But as a rule we follow their recommendations and send them up to the Public Service Commission.

36. Are we to take it that as a matter of practice and substance in this province the appointments that you are now describing, the judicial appointments, follow judicial recommendations ?—Yes, that is so.

37. What about the lowest rank of judicial officer ? He is called the munsiff ?—Yes.

38. How is he appointed ?—The system at present is that the High Court or the Chief Court makes the nominations and sends them up to the local Government, who accept them.

39. A munsiff may be called the lowest civil judicial officer ?—Yes.

40. What I have not quite grasped at the moment is how the court is expected to have the knowledge which enables it to make the recommendation ?—Certain educational qualifications have been laid down. For instance, the man must be a graduate in arts and law. The law degree in this province is known as LL.B. The High Court receives applications and a selection board from among the High Court Judges is appointed. Since 1925 there is a sort of competitive examination. On the results of this examination the board sits and selects candidates. I understand that last year they decided that they would take so many Hindus and so many Muhammadans.

41. *The Chairman*: I will come to that in a moment. What I am not able to understand at the moment is that even in the last grade judicial posts in this province are filled, as I gather, after examination and recommendation by the authorities in the superior courts ?—Yes.

42. Now I want you to tell me how appointments are made of these various executive officers, police officers and judicial officers. Will you tell us whether in making appointments any communal considerations come into play ?—I will begin, with the appointment of deputy collectors.

43. That is, executive officers ?—Yes. There we have definitely laid down that so far as appointments are to be made on the basis of a competitive examination, one-third of the appointments shall be reserved for Mussalmans.

44. In so far as executive appointments to deputy collectors are concerned you say they are by examination. Are there no nominated appointments ?—Of deputy collectors, yes. There are three methods in which deputy collectors are appointed. One is on the result of a competitive examination.

45. And there you say that the rule lays down that one-third of the appointments made as a result of the competitive examination will go to the Mussalman candidates ?—Yes, sir. Then there are two direct nominations by the Government about which no definite proportion is laid down, but it is left to the discretion of the Government. Usually one Hindu and one Mussalman is nominated.

46. Speaking about appointments on the executive side, there are cases of promotions of tahsildars ?—Yes. Then, half the posts usually are filled by promotion, and the proportion there usually followed is 5 Hindus and 3 Mussalmans.

47. Just explain this to me before we pass on to judicial officers. When you speak of the rule, do you mean to say that you have got a printed rule ?—Yes. It is a printed rule.

48. A printed rule saying that one-third of the appointments of deputy collectors as a result of the examination will go to Mussalmans ?—I will read the rule : " Normally 24 candidates will be annually " selected for recruitment to the cadre of deputy " collector. Half of these appointments will be " filled by the promotion of men already in Govern- " ment service. . . ."

49. They will be tahsildars ?—Yes. " and the " other half in the following manner : 6 non- " Mussalmans and 3 Mussalmans by competitive " examination, three by nomination by Govern- " ment " ; but that has been slightly modified ; it is generally 2, because we do not take three. Then the rule goes on to say that Anglo-Indians and Christians are included in the term non-Mussalmans. I have read out only the relevant portion of the rule.

50. The main thing I wanted to know was about the reference to " one-third ' in the rule. Have you read that ?—The rule says : " 6 non-Mussalmans

" and 3 Mussalmans by competitive examination " ; that comes to one-third.

51. Then are the examination results published ? —Examination is held by the Public Service Commission and the results are communicated to us.

52. Then is the order in which people come out in the examination publicly announced ?—I am not sure whether it is publicly announced, but we get the order.

53. I have no doubt you get it, but do the public get it ?—I am not sure about it.

Dr. Shafaat Ahmad Khan : It is published.

54. *The Chairman* : Then in the order of examination results, say, 1, 2, 3, 4, 5 and 6, you take 1 and 2 whoever they are ?—Yes.

55. But whether you take 3 or not will depend upon whether you have got in 1 and 2 a Mussalman ? —Yes.

56. Then you go on to the next according to that communal principle ?—That is so.

57. You will excuse me for asking a question which has no bearing on the constitutional point. Would it sometimes happen that a Mussalman comes at the top ?—I do not know if it has happened in regard to the deputy collectors, but recently in the examination for the post of deputy superintendent of police a Mussalman stood first.

58. In the police service what is the rule as regards proportions in appointments ?—As far as the appointment of the deputy superintendent is concerned, no definite rule is laid down fixing a proportion.

59. Is there no printed rule ?—There is no printed rule laying down any definite proportion, but under rule 4 " the Governor-in-Council is empowered to " announce with a view to preventing a preponderance " of any community in the service the number of " vacancies which should be reserved for particular " communities."

60. I see ; it is only with a view to preventing a definite preponderance of any community in the service ?—Yes.

61. Is the announcement made that there will be so many vacancies for, let us say, Mussalmans ? —No. The examination has been held for the first time only this year.

62. It is a new system ?—Yes.

63. Then I think you are going to tell us what the rule or the practice is as regards communal distribution of judicial posts in the province ?—It is a printed rule in this case also. I may read it out : " In " making nominations and appointments the High " Court and the local Government will endeavour " to secure the due representation of the different " classes of the community " ; and then it goes on to give preference, but that is the main rule which bears on this question, that is, " the local Govern- " ment will endeavour to secure the due representa- " tion of the different classes of the community."

64. *Mr. Srivastava* : Is that a published rule ?— Yes.

65. *The Chairman* : I gather what you have told us is the summary ; you have given us the substance ? —That is so.

66. Of course the gentlemen of the Conference will agree, I am sure, that the importance of this enquiry is not at all that we mean to criticise what the proportions actually are, or whether the rules should be observed ; that is not our constitutional point at all, but it is, I think, of some constitutional interest to know whether the Government here thinks it right to adopt some rule or regulation which is designed not so much to secure a particular communal distribution as to prevent an undue or predominant preponderance of one community at the expense of another. It rather seems to me to be a negative than a positive regulation except in the case of the first mentioned posts where there seems to be a different rule that one-third goes to the Mussalmans ?—Yes.

67. I am not absolutely clear about the last point. Will you make it quite clear to me about that one-third rule ? Supposing it happens that the first three places were gained by three Mussalmans, would the first Mussalman be taken and you leave the next two to two of the non-Mussalmans ?—Yes ; that is the rule.

68. Both ways ?—Yes ; both ways. As far as I know this has never happened, but if it did happen, that will be the rule.

69. What about promotions on the judicial side ? I mean the question arises, I suppose, as to who is the man who should be moved, say from the lower to the higher judicial posts ? Was that covered by what you told me when you said that the Chief Court and the High Court made recommendations ? —Yes. They make recommendations for promotions.

70. Not only for the admission of a candidate for the first time into the judicial service, but also for the promotion of a man to fill a higher post ?— Yes.

71. *Lord Burnham* : What I would like to clear up is this. What is the exact function of the Public Service Commission ? If the Public Service Commission does not have powers of selecting from among a limited number of candidates submitted, is it not extremely difficult for them, say, when there is nothing positive or negative about a man, to make up their mind before they decide that *this* man is unfit for this department ? Otherwise, if they have the power of selection, they can obviously take the man they consider best qualified for the job ?—Is it with reference to these competitive examinations, sir ?

72. No. I am speaking of the appointments to the executive and judicial posts. I want to know exactly what they do ?—In regard to their recommendations about listed posts ?

73. Yes ?—In regard to competitive examination for the post of deputy superintendent of police, before the candidates are selected for admission to the examination, there is generally a selection committee on which the Public Service Commission is represented. But as regards the advice of the Commission about listed posts, they will have to judge on the material which is supplied by the local Government.

74. In the first place you say that they are represented on the selecting body. What is the meaning of " represented " ?—There is a representative of the Public Service Commission on the selection committee. There is a preliminary selection committee for the province to select candidates from among those who come for examination. Last time, for example, a good many candidates were rejected before they were examined. In the *viva voce* examination a certain proportion of marks is allotted.

75. That is the whole responsibility, is it, of the Public Service Commission ? Would you mind just telling me whether that preliminary selection is the function of the civil service commission only, or of the commissioners together with other persons ?— The commissioners together with the representatives of this province.

76. Representative members of the legislative council ?—Not of the legislative council ; representatives appointed by the local Government ; generally the Inspector-General of Police and a non-official.

77. I see. How do they select ? Do they have any personal knowledge, or do they judge on general grounds ?—As it is, they see the candidates. There is a form of application which gives all the particulars. They look through that, and see if the man is suitable. Then there is a competitive examination after that. First there is a preliminary selection, and then a competitive examination.

78. Has the representative of the Public Service Commission got a veto on the selection made by his colleagues ? Supposing he disapproves of a candidate who may be adopted by a majority of votes, can he veto it ?—I am afraid I cannot answer that question. I will have to look into that.

79. *The Chairman* : I understand that this is merely for the purpose of getting up a list of people

who are to go in for the examination ?—Yes ; that is it.

80. And as regards many of the candidates, there is what is called a winnowing, and so, some people will be rejected as a result of that. And then when you come to the point of examination, I gather that the Public Service Commission, although it is an All-India body, asks the provincial committee to conduct the examination ?—The examination is conducted by the Public Service Commission.

81. And nobody else ?—Nobody else.

Lord Burnham : Then the result is determined and candidates are selected by competition, subject to preliminary selection ?—Yes, in the case of deputy superintendents of police.

82. Does that work well ?—The examination has only recently been started. There has been no unsatisfactory result so far. They have held an examination for the police for the first time this year, and I think for the deputy collectors they have only held it for the past two years. We have only recently handed over the examination to the Public Service Commission.

83. Has this any bearing on what is called Indianisation ? Is there in consequence a large number of Indians appointed to the service ?—No ; I do not think so. As the Public Service Commission are regarded as an expert body in conducting examinations, we thought it best to hand over the conduct of examinations to them.

84. Any European or Indian would have to come over there and submit for selection, I suppose ?—No ; not for this examination. This is only for the provincial service.

85. I know. But is a European barred from entering this service ?—He must be a British subject of Indian domicile. And then it is also laid down that he must be a native of the United Provinces and settled in the province for three years. That is the rule laid down since last year for deputy superintendents of police.

86. *The Chairman* : For all practical purposes, the candidates may also be Anglo-Indians ?—Yes.

87. Or Hindus or Muhammadans ?—Yes.

88. *Lord Burnham* : Previous to that, was it the rule that they must have the same domicile ?—I believe so. The rule has been in existence for a long time, but I am not very certain about it.

89. I see it stated at the bottom of page 127* that: "The United Provinces police service "is entirely composed of Indians or statutory "natives of India, including Europeans domiciled "in India. The posts of reserve inspector and "divisional inspector were by practice, if not by "rule, reserved for Europeans till within com-"paratively recent years. This reservation has been "abandoned and Indians are now appointed to both "classes of inspectorship." That is the case ?—Yes ; that is so.

90. *Colonel Lane-Fox* : I take it that this system of listed posts has only begun since the Lee Commission reported ?—No, since 1892. The Lee Commission only extended the system.

91. But it is used as a means of raising the Indian proportion of the service ?—Its main object was to allow competent men in the provincial service to occupy higher posts, the superior posts in the Indian Civil Service.

92. *Lord Strathcona* : When you quoted the procedure for making appointments in the police department you said that the Governor in Council announces the number of vacancies which should be reserved for particular communities ?—The appointments are made by the local Government. The Governor in Council deals with the appointments in the police department, police being a reserved subject. I quoted from the rule issued for holding competitive examinations.

(*At this stage the Chairman vacated the Chair, which was occupied by Lord Burnham*).

93. *Mr. Desanges* : Under what Act, or under what authority are these three rules that you read out to the Conference framed ?—The local Governments have power at present to frame rules as regards their provincial services.

94. I do not question the power. What I want to know is if these rules are made under any definite Act ; if not, under what authority are these rules framed ?—The Secretary of State can delegate powers under section 96B (2) of the Government of India Act to local Governments to frame rules about the provincial services, and that power has been delegated to us.

95. In these rules you say there has been made a specific provision for a certain ratio as between Hindus and Muhammadans. Is there any provision for the Anglo-Indian or the domiciled European respectively in the services, the executive, judicial, police, and the secretariat ?—The proportion is only laid down for the executive service. For the other services there is no definite proportion laid down, and as I read out from the rules, Anglo-Indians are included among the non-Moslems.

96. Has any appointment been made of Anglo-Indians under these rules in the last seven years, as Anglo-Indians ?—I cannot reply to that from memory.

97. If I were to inform you that no such appointments were made of Anglo-Indians as Anglo-Indians, would I be wrong ?

Lord Burnham : The witness has answered that he cannot remember.

98. *Mr. Desanges* : I am just giving him the answer and asking whether I am right or wrong.—Probably you are right. I have not verified the actual figures.

99. Would you accept any resolution of the provincial council fixing any ratio for the services if such a resolution were passed ?—I think it is a matter for the Government. I have no authority to give any opinion on this point.

100. What is the number of marks given for interviews as compared to the marks given for other subjects at an examination ?—Sir, I am afraid I cannot answer this question off-hand. It is all given in the rules, of which I can supply Mr. Desanges a copy.

* * * * * * * * *

104. *Mr. Desanges* : Would you say that a competitive examination should be enough for appointments, or would you think an interview to be the deciding factor for appointments ?—I think an interview is a very important factor in selecting candidates for certain appointments.

105. Those other things that cannot be gleaned or got at by the competitive examination you get at at the interview ?—That is the theory.

106. Have you any ratio as between the different communities for appointment in the secretariat ?—No, there is no definite ratio laid down.

107. This is an accepted policy of the Government, to keep a certain ratio for Hindus and Muhammadans ? — No. Only in regard to the examination for deputy collectors a definite proportion has been fixed. The policy is that no particular community should have an undue share of the appointments.

108. Have you followed out this policy of ratio in practice in the other services, when making appointments ?—I said that the main guiding principle has been throughout to so recruit that no particular community should monopolise the services and that other communities also should have their due share. That has been the main principle.

* * * * * * * * *

109. *Mr. Desanges* : What is the reason, or what is the policy in making a written rule that the communities should have certain ratios of appointments in the executive service ?—There was a resolution about the holding of a competitive examination for deputy collectors in 1921 and the Government then

* Vol IX.

decided that this would be the best way of dealing with the question.

Lord Burnham: I think we have it in evidence that the Government has laid down that as a ruling principle, and the Chief Secretary is simply carrying out the orders of his Government.

110. *Mr. Desanges*: I was just asking what the reason or what the policy was. Now, you say that in a certain class of appointments you consult the High Court and the Chief Court. Have there been cases where appointments in that particular class have been made against the recommendations of the High Court or the Chief Court ?—I cannot remember any such instance.

111. *Babu Rama Charana*: Have you ever come across any case in which a member of the depressed classes or backward classes has been appointed a tahsildar, deputy collector or munsiff ?—If you specify the castes to which you refer I might be able to give an answer. Depressed class is rather a general term. I do not quite know whom you have in your mind.

112. Are not the words " depressed classes " and " backward classes " used generally ?—I cannot straight off give an answer that a member of the depressed classes has been appointed until you tell me to what particular class or caste you are referring.

113. Say, *Lodhas, Mallahs, Dhobis, Baris*, etc. ?—I cannot say straight off without going through the whole civil list whether a *Lodha* or a *Mallah* has been appointed a tahsildar. I have no information at present.

114. *Sir Hari Singh Gour*: Will you kindly look at your red book (" The Government of India Act "), page 8. There it is stated that the recommendation of the Joint Parliamentary Committee was: " They " also desire to emphasise the wisdom and justice of " an increasing association of Indians with every " branch of the administration, but they wish to " make it perfectly clear that His Majesty's Govern- " ment must remain free to appoint Europeans to " those posts for which they are specially required " and qualified." Now, with reference to that recommendation I wish to ask this question, how many departments have you got and how many heads of departments are Indians ?—I will give you the number of Indians who are heads of departments in this province. The Excise commissioner. . . . . .

115. How many departments have you got altogether ?—Do you mean in the secretariat ?

(*At this stage Lord Burnham vacated the Chair and the Chairman occupied it*).

116. All departments of your Government ?—I shall have to work that out.

117. *The Chairman*: I dare say you can give us a list*.—I can let you have a list of the total number of heads of departments*.

118. *Sir Hari Singh Gour*: And how many of them are Indians ?—Yes*.

119. How many commissioners have you got ?—Ten.

120. How many commissioners are Indians ?—At present there is no Indian commissioner. There are 10 commissioners in this province. There are no Indians at present as commissioners, but one is going to officiate very shortly, and one officiated last year.

121. How many districts have you got ?—Forty-eight.

122. How many Indians are district officers ?—I should be able to give that information* after looking through the list.

* * * * * * * * *

124. How many judges of the High Court are Europeans and how many Indians ?—I shall be able to give this information also* after looking through the list.

125. I wanted to know how far you have carried out the recommendations of the Joint Parliamentary Committee of increasing association of Indians with every branch of the administration. Now, will you kindly turn to section 96B (2) to which you have referred. You said you make rules under section 96B (2).—The powers are delegated to us by the Government of India under the delegation rules made under this section.

126. All these rules that you have read about the recruitment of deputy collectors, deputy superintendents of police and judicial officers are in pursuance of that ?—In pursuance of the delegation rules.

127. And these rules were made under section 96B (2) ?—I think so.

128. Now, that section says: " The Secretary of " State in Council may make rules for regulating the " classification of the civil services in India, the " methods of their recruitment " (whether by nomination, competitive examination, etc.) " their conditions " of service, pay and allowances and discipline and " conduct. Such rules may, to such extent and in " respect of such matters as may be prescribed, " delegate the power of making rules to the Governor " General in Council or to local governments or " authorise the Indian legislature or local legislatures " to make laws regulating the public services." Now, I wish to ask, under this rule is there any provision for making the rules which you have for giving so many appointments to Hindus, so many to Muhammadans and so on ?—I think that is a matter of legal opinion, sir. I could not say.

129. As regards rules under section 96B (2), has the local legislature made any laws regulating the public services ?—I do not think the local legislature has yet been given powers to make laws.

130. The section says: " to such extent and in " respect of such matters as may be prescribed, " delegate the power of making rules to the Governor " General in Council or to local governments, or " authorise the Indian legislature or local legislatures " to make laws regulating the public services."—As far as I know, I do not think the local legislature has been given the power.

131. Has your Government ever moved the authorities to give the local legislature a hand in making laws ?—I have no information.

132. As regards deputy collectors you have said that there are annually 24 vacancies ?—I said that the proportion was fixed on the assumption that there would be 24 vacancies. The figure has varied.

133. On an average I will take it that there are 24 vacancies. Of these some are appointed by nomination, some by competition and some by promotion ?—Yes.

134. Would you kindly tell me what is the cumulative effect as regards communal representation, I mean, how many are Hindus, how many are Muhammadans, how many are Christians and how many are Anglo-Indians ?—I shall have to get these figures.*

135. Will you kindly make a note of it and send the list later on ? Also in the case of police and judicial service ?—Yes.*

136. My friend opposite (Mr. Desanges) asked you a question whether it is not a fact that more marks are allotted to interviews than to any other subject. Have you got any marks allotted to interviews in the case of the Indian Civil Service ?—I shall have to look up the rules.

137. How do the marks in the Indian Civil Service examination compare with the other examinations ?—I cannot answer it off-hand.

138. *Dr. Shafaat Ahmad Khan*: Has there been any deterioration in efficiency since the institution of these competitive examinations ?—Not that I know of.

139. Have you heard any complaints about deterioration as a result of the examination by which you appoint deputy collectors ?—No; I have heard no complaints.

140. The principle applies only to those two departments where the Muhammadans used to have

* *Vide* Appendix A, page 262.

a majority, but it does not apply to other departments. I take it ?—I have already said that the proportion of Mussalmans has been definitely laid down only for the executive branch.

141. What is the cause of the institution of the system of competitive examination ? What led to it ?—As I said, a resolution was moved in the first council in 1921 that the system of competitive examination should be established, which the Government accepted. Previous to 1921 there had been, during Sir Antony MacDonnell's (afterwards Lord MacDonnell) time, the system of competitive examination for about 2 or 3 years, but it was abandoned.

142. I know that the resolution was moved, but for what reasons was it moved ?—They thought that that would be a good way of getting suitable officers as deputy collectors.

143. Was it not one of the reasons that it would prevent a preponderance of any one community ?—That I am not sure of ; I do not know whether that was one of the reasons.

* * * * * * * * *

148. *Kunwar Bisheshar Dayal Seth* : Are there any listed posts in the transferred departments ?—No.

149. I believe the post of the registrar of co-operative societies is a listed post ?—No ; it is on the cadre of the Indian Civil Service.

150. Who makes the appointments in the transferred departments ?—If you are referring to the post of the registrar of co-operative societies, it is made by the Governor in consultation with the minister. If an officer serving in a reserved department is wanted for service in a transferred department, the Appointment department will be consulted but the selection will be made by the Governor in consultation with the minister concerned.

151. *Sir Zulfiqar Ali Khan* : Will you tell me please whether the Government of the United Provinces have made any special provision for the appointment of the relatives of the taluqdars in the civil service or in the provincial service ?—Before this competitive examination was instituted, in the old rules a provision had been made, but there is no provision at present. When the Government make direct nominations, I think the claims of those who belong to the land-owning classes are considered.

152. Could you please tell me whether the test of university examinations is a consideration in the appointment of these people ?—I do not follow you.

153. Do you, for example, apply a certain university test in the appointment of these people ?—Minimum qualifications are laid down. A man must have passed the intermediate examination before he can be appointed. As a rule most of the men who have been appointed have been graduates, but the intermediate examination is the minimum qualification ; some appointments have been made of people who have only passed the intermediate examination.

154. Could you tell me if some of these young men have figured in the competitive examinations ? —You mean those who have been appointed subsequently by the Government ?

155. Yes.—I am afraid I shall have to go through each case, but, as far as I remember, at least in one case he had appeared for the competitive examination but had been unsuccessful. I am not very definite, I shall have to verify.

The Chairman : I do not follow you, Sir Zulfiqar.

156. *Sir Zulfiqar Ali Khan* : I want to know, sir, whether the members of the aristocracy here are given any place in the administration of the province ?

The Chairman : Do you mean that because they are aristocrats they should be given a place ?

Sir Zulfiqar Ali Khan : Yes, sir, because they have a great stake in the country.

157. Could you tell me whether the Government have a definite policy in giving such appointments to the aristocracy ?—We have not got all the facts before us. A resolution was moved in the legislative council recommending that the land-owning classes should be adequately represented in the services and we have promised to collect the material before Government decides as to whether there is any need for further action.

158. You have just told the Conference that there is a rule that Muhammadans should be given 30 per cent. of the appointments ?—One-third.

159. Yes, one-third. May I ask whether this is only a mere rule or whether it is observed in actual practice ?—As far as I know the proportion of Muhammadan deputy collectors is at present 37 per cent. in the province to the total cadre.

160. Could you tell me whether on the occasion of communal riots, there is, on the part of both the communities, any special demand made for the appointment of European officers to carry on trials ? —Well, sometimes, but not invariably. I should like to add here that suppose Mussalmans are prosecuted, they may prefer that a Mussalman should try them, but if they think that that is not likely they will ask that they should be tried by a neutral officer. In the same way if the Hindus are prosecuted they may prefer to have a Hindu to try them, but if they think that that is unlikely they may want a neutral officer. But it is not invariably so that whenever there is a communal riot, people want that there should be a neutral officer appointed.

161. *The Chairman* : I want to know the fact. What is your experience ? When there is a communal riot, does it happen that an application is made from the locality for a magistrate who is not a Hindu or is not a Muhammadan, as the case may be ?—I have said that sometimes it does happen but not on all occasions.

162. Have there been cases where there has been a substitution ?—What sometimes happens is this : Before the case is tried an application is made that a neutral officer should be appointed to try the case. If a man is available, and if there are adequate grounds, the application is granted. Occasionally we have sent a neutral officer.

163. When there is a communal dispute in an area, there is, in your experience, from time to time, an application that a neutral officer should be sent ? —Sometimes applications have been received.

164. Is there any register to show how often you have received such applications ?—There is no separate register, but I think I can give the figure later on.

165. Will you please send it ?—Yes.*

166. I want to be sure that I got it correctly. When you say a neutral officer does it necessarily mean a European ?—No, not necessarily.

167. He may be an Anglo-Indian or an Indian Christian ?—Yes.

168. In your experience has an Indian Christian officer been sent in a case like this ?—I shall have to look it up.

169. Have there been any cases in which an Anglo-Indian officer has been sent ?—I distinctly remember one instance.

170. Was he sent because he was neither a Hindu nor a Muhammadan ?—Yes.

171. *Dr. Suhrawardy* : Sir Hari Singh Gour referred you to certain sections of the Government of India Act and asked you whether under those sections the local Government have any authority for making rules fixing the proportions of appointments on communal lines and your answer was that the matter is for legal opinion. I would like to know whether in the event of the legal opinion being against the local Government having any authority under those sections you would like to have an express Act giving power to the local Governments for making appointments or fixing the proportion of appointments in such a way as to prevent the undue preponderance of any particular community or monopolisation by any particular community ? What is your opinion ? —I think this a matter of policy which rests with

* *Vide* Appendix B, pages 263–5.

the Government and I do not wish to express any opinion on it.

172. *The Chairman*: As a matter of fact, do you not rather feel, Dr. Suhrawardy, that the words "as to the methods of recruitment" are very wide and that it is rather difficult to argue the point successfully?

Dr. Suhrawardy: Very well, sir.

APPENDIX A (see p. 260).

No. 4943—C.

From

T. Sloan, Esquire, I.C.S.,
Officer on Special Duty,
United Provinces.

To

The Secretary,
Indian Statutory Commisson,
Dated Lucknow, December 17, 1928.

Sir,

I am directed to forward for the use of the Indian Statutory Commission the information in regard to certain competitive examinations and the progress of Indianisation in, and the extent of communal representation in the recruitment to, certain services which the Chief Secretary to this Government in the course of his evidence on December 10, 1928, promised to furnish to the Commission.

I have the honour to be,
Sir,
Your most obedient servant,
(*Sd.*) T. SLOAN,
Special Officer.

INDIAN CIVIL SERVICE EXAMINATION.

The subjects of the examination are divided into two sections, viz. compulsory and optional. The compulsory section also includes *viva voce* test which is held along with the written test and is intended to test the candidate's alertness, intelligence and general outlook. The total marks for the examination including the *viva voce* test are 1,700, i.e. 900 for compulsory subjects and 800 for optional subjects. Of the 900 marks allotted for compulsory subjects, 200 marks are for the *viva voce* test. The percentage of marks for the *viva voce* test is 11·7 per cent. of the total number of marks. The *viva voce* marks are the same as the marks allotted for some subjects, higher than the marks for some subjects and also lower than the marks for some subjects.

U.P.C.S. (EXECUTIVE) EXAMINATION.

As in the case of the Indian Civil Service examination the subjects of the deputy collectors' examination are also divided in two sections, viz. compulsory and optional. Out of a total of 1,200 marks, 600 marks are allotted for compulsory subjects and 600 for optional subjects. The *viva voce* test is included in the compulsory subjects and carries 200 marks. The percentage of the *viva voce* marks is 16·66 per cent. of the total number of marks. The marks allotted for the *viva voce* test are as high as those allotted for any subject and higher than those for some subjects.

INDIAN POLICE SERVICE EXAMINATION.

There is a preliminary selection in the case of the Indian Police Service examination. The selection committee examine every application from candidates and interview every candidate who appears to be qualified under the rules for appointment to the Indian Police Service. Only the selected candidates are allowed to compete at the examination. *No marks are awarded for the interview.* The subjects for the written examination are divided in two sections, viz., compulsory and optional. Out of a total of 1,400 marks, 1,000 marks are allotted for the compulsory subjects and 400 for the optional subjects. There is no *viva voce* test.

U.P. POLICE SERVICE EXAMINATION.

The examination has been introduced from this year. As in the case of the Indian Police Service examination, there is a preliminary selection also for the United Provinces Police Service examination. The selection committee interview all the candidates who are qualified under the rules, exclude from the examination any candidate whom they regard as unsuitable by reason of personality, character, physique or otherwise for the Provincial Police Service and also any candidate with regard to whom they are satisfied that he will not qualify in the written examination, and award to those candidates whom they regard as not unsuitable for the Provincial Police Service marks, not exceeding 400, in respect of the interview. The marks so allotted are counted in the total of the written examination.

The subjects for the written examination are divided in two sections, viz. compulsory and optional. The total marks for the written examination are 1,400, i.e. 1,000 for the compulsory subjects and 400 for the optional subjects. There is no *viva voce* test. The 400 marks allotted for the preliminary interview are double the number of marks allotted for any one subject in the written examination.

NUMBER OF INDIAN AND EUROPEAN DISTRICT OFFICERS HOLDING CHARGE ON JUNE 1, 1928.

Total.	Europeans.	Indians.
48	31	17*

NUMBER OF INDIAN AND EUROPEAN DISTRICT OFFICERS HOLDING CHARGE ON DECEMBER 1, 1928.

Total.	Europeans.	Indians.
48	35	13

NUMBER OF EUROPEAN AND INDIAN JUDGES IN THE HIGH COURT.

	Total.	Europeans.	Indians.
Permanent	9	5	4
Additional	3	1	2
	12	6	6

NUMBER OF EUROPEAN AND INDIAN JUDGES IN THE CHIEF COURT.

	Total.	Europeans.	Indians.
Permanent ..	5	2	3
Acting vice Mr. Justice Stuart and Mr. Justice Moss King.	2	1	1

NUMBER OF EUROPEAN AND INDIAN HEADS OF DEPARTMENTS.

Total.	Europeans.	Indians.
24	17	7

(* These figures included Indian Civil Service officers, holders of listed posts and deputy collectors officiating as district officers in leave and other vacancies).

NUMBER OF HINDUS, MUSLIMS AND CHRISTIANS (Indian Christians and Anglo-Indians) APPOINTED AS DEPUTY COLLECTORS SINCE 1922.

	Total	Hindus	Muslims	Christians
		(1922)		
By promotion	12	7	5	—
By examination	8	5	3	—
By nomination	3	1	2	—
		(1923)		
By promotion	7	4	3	—
By examination	6	3	2	1
By nomination	2	1	1	—
		(1924)		
By promotion	8	4	4	—
By examination	6	4	2	—
By nomination	2	1	—	1
		(1925)		
By promotion	9	5	4	—
By examination	6	4	2	—
By nomination	2	1	1	—
		(1926)		
By promotion	2	1	1	—
By examination	6	4	2	—
By nomination	—	—	—	—
		(1927)		
By promotion	4	3	1	—
By examination	6	4	2	—
By nomination	2	1	1	—
		(1928)		
By promotion	3	1	2	—
By examination	The examination will be held in January, 1929. On the results of this examination 4 non-Muslims and 2 Muslims will be taken.			
By nomination	Not yet settled.			
Total ..	90	51	37	2 (Anglo-Indians)

NUMBER OF HINDUS, MUSLIMS, CHRISTIANS AND ANGLO-INDIANS APPOINTED AS DEPUTY SUPERINTENDENTS OF POLICE DURING THE LAST SEVEN YEARS.

	Total.	Hindus.	Muslims.	Indian Christians.	Anglo Indians.
Permanent ..	16	5	7	1	3
Temporary ..	21	8	7	1	5

NUMBER OF HINDUS, MUSLIMS AND CHRISTIANS APPOINTED AS MUNSIFS DURING THE LAST SEVEN YEARS. (In the Province of Agra.)

	Total.	Hindus.	Muslims.	Christians and Anglo-Indians.
(In the province of Agra.)				
Permanent .	51	38	12	1
Acting ..	19	13	6	—
(In the province of Oudh.)				
Permanent .	17	14	3	—
Acting ..	5	3	2	—

APPENDIX B.

(*See* Q. 164, p. 261.)

U.P.-O-10/J.P.(2).
No. 24 C.

From

T. Sloan, Esq., I.C.S.,
Officer on Special Duty, U.P.

To

The Secretary,
Indian Statutory Commission,
Camp, India.

Dated Lucknow, January, 4, 1929.

Sir,

In the course of his examination before the Joint Free Conference in Lucknow, the Chief Secretary to the United Provinces Government promised to supply the Conference with information regarding the number of occasions on which Government have been asked to appoint European officers, or officers who are neither Hindus nor Muslims, to try cases arising out of communal disturbances. I have the honour to submit herewith* a statement giving details of such requests for the years 1923 to 1928 inclusive.

I have the honour to be,
Sir,
Your most obedient servant,
(*Sd.*) T. SLOAN,
Officer on Special Duty.

* Printed overleaf.

LIST OF COMMUNAL RIOT CASES IN WHICH TRIAL WAS ASKED FOR BY A NEUTRAL OFFICER.

Place and date of riot.	Whether trial by a neutral officer or an officer of a particular community was asked for by			Remarks.
	The Commissioner or the Collector.	Parties concerned.	Or by public bodies or associations.	
1. Saharanpur, 1923	Commissioner recommended that both the additional Sessions Judge and the Sessions and Subordinate Judge should be Europeans.		Swami Shradhanand, an Arya Samaj leader, in a message to the Press asked for the replacement of the Muhammadan district officer by a "just and "strong European." The Hindu Sabha, Calcutta, made a similar demand.	Two European and one Indian Christian Judges were appointed to try the cases.
2. Shahjahanpur, 1924 ..	—	M. Fazl-ur-Rahman Khan, a Muslim resident of Shahjahanpur, protested against the appointment of Mr. Dar, I.C.S., to try the riot case on the ground that he was a Hindu, and asked for a Muslim Magistrate and failing him, for an Englishman.	—	A European magistrate was ultimately deputed to try the case.
3. Jalalpur, District Fyzabad, 16/8/1925.	Both the Deputy Commissioner and the Commissioner asked for a European magistrate or a magistrate who was neither a Hindu nor a Muslim.		Some Hindu Vakils complained to Deputy Commissioner about police enquiry and asked for an Anglo-Indian officer (specified by name) to be deputed to make further enquiry.	Ultimately the parties indicated that they had no objection to the trial of the case by a Hindu officer specified by name.
4. Aligarh, 22/9/1925	—	—	Aligarh Muslin Defence Association asked for a strong English magistrate, while the Hindu Sabha demanded transfer of Muslim police officers.	Government suggested to the Commissioner of the Division that a European magistrate should be deputed to try the case.
5. Sihali, District Bara Banki, 22/6/1926.	—	Hindus of Sihali asked that European officers be deputed to investigate the case. District Magistrate, Subdivisional magistrate and Superintendent of Police were all Muslims.	—	Government asked Commissioner, Fyzabad (a European officer) to satisfy himself personally as to the facts of the riot, as no finding by the local officers, who were reported to be all Muslims, was likely to be believed.

LIST OF COMMUNAL RIOT CASES IN WHICH TRIAL WAS ASKED FOR BY A NEUTRAL OFFICER.

Place and date of riot.	Whether trial by a neutral officer or an officer of a particular community was asked for by			Remarks.
	The Commissioner or the Collector.	Parties concerned.	Or by public bodies or associations.	
6. Fatehgarh, 10/9/1926 ..	By the Commissioner.	—	—	The Sub-Divisional officer was a Hindu, but the Commissioner put on an Anglo-Indian Deputy Collector to try the cases. The conduct of this Sub-Divisional officer in the riot itself was under inquiry.
7. Bareilly, 1927	Commissioner, Rohilkhand, asked for a European Joint Magistrate to try the case.	—	—	An Anglo-Indian Deputy Collector was deputed. Subsequently Babu Jia Ram Saxena, M.L.C., asked for the retention of the Deputy Collector at Bareilly for six months longer because he had inspired all with confidence.
8. Bahadurganj, District Ghazipur, 1927.	The District Magistrate asked that a neutral officer might be sent to hear the case.	—	—	An Anglo-Indian Deputy Collector was deputed to try the case.
9. Garhmuktesar, District Meerut, 1927.	Collector asked for a neutral officer, preferably an English Joint Magistrate, otherwise a European or Anglo-Indian Deputy Collector.		—	An Anglo-Indian Deputy Collector was posted.
10. Ol, District Muttra, 1928 ..	Commissioner asked for a European Judge.	—	—	An Indian Christian Judge was appointed.

PATNA.

Dated, 13th December, 1928.

Morning.

PRESENT:

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND), AND OF THE BIHAR AND ORISSA PROVINCIAL COMMITTEE.

Mr. J. A. HUBBACK, I.C.S., Special Officer, Reforms, Government of Bihar and Orissa.*

1. *The Chairman*: * * * We know, of course, that you are Reforms Secretary, and I understand have been responsible for compiling, though not for all the original matter in, the Government book ?—That is so.

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When I look at page 101, near the bottom of the page*, what I notice is that the registered electors amount to 374,812. There is no female suffrage, I gather ?—No.

56. So that we are dealing here with adult males alone. Now, if you take the adult male population, I think it is about 8,400,000 ?—That is about it.

57. I find that on page 104.† Manhood suffrage would give about 8,400,000 electors; call it 8½ millions; so that it looks as though the registered electors are something like 375,000 out of an adult male population of 8½ millions, which, as you know, is something like 4½ per cent. ?—That is so.

58. It seems a very small percentage. I might point out that in the United Provinces, for example, the male electorate is 12 per cent. of the male adult population ?—Yes. I am afraid I am not aware what the position is in the United Provinces.

59. I am telling you, because we have just been there. For those of us who are examining this matter comparatively, it certainly would appear that the percentage of electors here is rather strikingly small. Is there any special reason, or anything which occurs to you to tell us that is useful, about that ? Frankly, it occurs to me off-hand that it may make some difference that we are in a province where there is a considerable aboriginal element, or, again, it may depend to some extent on the normal size of the agricultural holding. I was just wondering ?—Yes. I think one reason was that at the time the electorate was being worked out we had to consider, as far as possible, what number we could be sure of handling at the time of polling. We were always limited in 1919 by that consideration—the administrative difficulty of starting an entirely new electorate.

60. That means, I suppose, that if you have an electorate so large a proportion of which is illiterate, each voter needs specific help at the time when he registers his vote ?—That is so. I think probably the elections here have to go slower than in other provinces.

61. There is another figure which struck me very much. If you take the unenfranchised males, who you have told us amount to something like eight millions, you find only 400,000 of them are in the towns ?—300,000.

62. There seems to be a disproportionately large proportion of the unenfranchised male population in the country ?—That is so.

63. Does that mean the urban franchise here goes fairly low ?—That is so.

64. It is difficult for anyone except a local expert to follow, but on page 98† you give some qualifications. Let us spend a minute on that. "For the general "urban constituencies . . . the principal qualifi- "cation is assessment to municipal taxation of Rs.3 "or more a year." You cannot, of course, give us precise figures, but can you tell me whether that brings within the list of voters a substantial number of quite poor people ?—A very substantial number, I should say. I fancy most of the people who drive the small one-horse carriages you see about—what we call ekkas—are thus enfranchised.

65. *The Chairman*: I suppose the liability to pay this municipal taxation attaches to a man because he is an occupier, or is it a poll tax ?

Maulvi Saiyid Mubarak Ali Sahib: It is an occupier's tax.

The Witness: In some places it is still a poll tax.

66. *The Chairman*: At any rate, in the principal places it is an occupier's tax ?

Maulvi Saiyid Mubarak Ali Sahib: Yes.

67. *The Chairman*: It is very convenient, gentlemen of the Provincial Committee, if you will help us as we go along. It does look as though in the towns the franchise brought in a lower stratum than in the country. Is that right, do you think, Raja Sahib ?

The Raja Bahadur of Amawan: Yes.

68. *The Chairman*: What sort of income or class does it mean in the urban constituencies ? Probably you can give us some broad indication. You have said, for instance, that a man who drives an ekka will have the vote ?—I fancy there are a great many voters who do not earn more than Rs. 20, or even Rs. 15, a month.

69. I do not know whether it is trying you too high to ask you what sort of rent you imagine such people pay ?—I am afraid I could not say that.

Maulvi Saiyid Mubarak Ali Sahib: As a matter of fact, they do not pay rent at all.

70. *The Chairman*: But although they do not pay rent they would be subject to municipal taxation ?

Maulvi Saiyid Mubarak Ali Sahib: Yes, because they are plying their ekkas. They are to pay a tax for keeping a conveyance.

The Chairman: That is what it is. Some people get a vote because they are occupiers and pay a municipal tax as occupiers, and others because they pay some other form of municipal taxation because they are plying a trade.

Mr. Athar Hussain: The owners of vehicles have got to take out licenses and pay a certain sum to the municipality, and if they pay a sum of Rs. 3 they are entitled to the vote. In some places there is a personal tax; if a man makes an annual income of Rs. 100 he pays Rs. 1.8.0, and therefore a man with an income of Rs. 200 a year is a voter.

Lord Burnham: That works out at six shillings a week.

The Chairman: £15 a year.

Mr. Athar Hussain: In some places, for instance Patna, there is a tax on holdings, and if the occupier pays a tax of Rs. 3 he has a vote.

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72. *The Chairman*: Now let us have a look at the rural constituencies, and there again perhaps some of our friends on the Provincial Committee will help us to understand it. It is rather complicated to one who does not live here. There is a qualification, apparently, for the proprietors, and then there is a qualification for tenure holders and then there is a qualification for ryots and then there is a qualification for rural traders. I take it the ryot means the actual working occupier ?

* Mr. Hubback also gave evidence in connection with the Backward Tracts, *vide* Vol. XVI.

† Vol. XII.

Mr. Athar Hussain: Yes, the cultivator.

73. *The Chairman*: Do I understand rightly that the cultivator, the ryot, may hold either from the proprietor direct or from a tenure holder who, in his turn, is a tenant of the proprietor?

The Raja of Kanika: Yes.

74. *The Chairman*: In this province, gentlemen, do you have more than one intermediate interest? In Bengal you often have a great number.

The Raja of Kanika: In some places there are many tenure holders.

75. *The Chairman*: The proprietor will let land to A, A will sublet to B, B to C and so on till you get to the actual cultivator.

The Raja of Kanika: Especially in Puri, I think.

Babu Chandreshvar Prashad: In Bihar proper it is not so prevalent as it is in Bengal.

The Raja Bahadur of Amawan: Under the proprietor there is sometimes a tenure holder, and under him are the ryots. In Bihar, however, the majority are proprietors or ryots.

The Chairman: But there are cases——

The Raja Bahadur of Amawan: —where you have tenure holders.

76. *The Chairman*: Let me see if I follow this. I understand proprietors will have a vote if they are assessed to a local cess of Rs. 12 or more a year. I gather that would include people who have not got very large estates?

Babu Lakshmidhar Mahanti: Small estates.

77. *The Chairman*: What sort of area would you say would be enough, generally speaking, to give a vote as proprietor? Of course, no doubt it must depend on many considerations, but can you put it in acres?—I cannot give you the information for proprietors, but the qualification for ryots brings in, roughly speaking, a man who has 15 acres of average land, and the ryot's qualification was the basis; the qualification of the tenure holders and the proprietors was adjusted as far as possible to bring in people who made the same contribution to local or State funds as the ryot who was qualified.

78. That puts it very clearly and conveniently. We must treat the thing as built up from the ryot basis?—That is so.

79. And the scheme is one which gives the cultivator of an average of about fifteen acres a vote, and then I understand you have got corresponding—or an attempt to get corresponding—tests for the tenure holders and proprietors above?—Yes.

80. That is the explanation of what is otherwise very curious, namely, that in the case of the ryots, in some districts where rents are high the rent which gives the vote is Rs. 64; in certain districts which come more or less in the middle it is Rs. 48, and in nine low-rented districts it is Rs. 16. That is very odd. It is stated, I think, on page 109* that in the low-rented districts people were pressing to have it brought down lower still. I see it says: "A request "was received in 1922, from a body interested in "the improvement of the status of the aboriginal "population of Chota Nagpur, urging that the "franchise qualification be lowered from Rs. 16 to "Rs. 5." To be sure I have your view about this, it is the fact, I gather, that as things stand in urban areas the present franchise arrangement confers the vote on people of smaller income than it does in rural areas?—Distinctly so. I would put it in this way. I have already said I think Rs. 20 a month, that is to say Rs. 240 a year, would qualify for an urban vote. I think about Rs. 500 or 600 would be what a man would get from his fifteen acres of average land, so it is something like double the income qualification. Have I made myself clear?

81. Yes, entirely. I am much obliged to you. There is just one other fact to which I will call attention. If you will turn to page 102*, gentlemen, you will see a very striking figure at the top of the page. It is the second sentence on the page: "Of the rural "Muhammadan electors, 743 per thousand are "ryots," and, just below: "Of the rural non-Muham-"madan electors there are 883 per thousand ryots." It is evident, therefore, that in the rural constituencies this qualification of the ryot, of the working cultivator, is by far the most important head for the franchise?—That is so.

The Chairman: I will now pass on the opportunity of asking questions to others. I think we shall do well to keep to chapters VI and VII.

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84. *Mr. Hartshorn*: I see on page 100*, where you give the number of constituents of various constituencies, that the landholders' constituency consists of 389 voters?—Yes.

85. And they have five members?—Yes.

86. I see the European roll consists of roughly 2,000?—Yes.

87. And they have one member?—That is so.

88. That is to say, five times as many Europeans have one-fifth as many representatives?—Yes.

89. Is that the estimate you have in this area, that one landholder is worth twenty-five Europeans? Can you tell us on what basis this has been fixed?—I think it is largely this, that the great landholders in pre-Reform days had a very considerable influence indeed in this province over the way in which the administration was carried on. I do not for a moment mean to say that what they said always "went" with Government, because it did not; but at the same time their influence was of very great importance, and when the change was made from the pre-Reform to the post-Reform position it was the opinion of the Bihar Government and of the Government of India and of the Secretary of State that it would be proper to maintain to a considerable extent some representation in the provincial council to ensure that that influence was not entirely withdrawn from the direction of the policy of Government in the future.

90. I take it that in addition to this special constituency which the landholders have, they have the same rights as anybody else to participate in the general constituencies?—That is so.

91. And they are now securing a considerable number of seats in the general constituencies, and have done all along?—That is not so.

92. Is not it?—Very few of the great landholders have been successful in contesting general constituencies.

93. How is this roll of 389 made up? I see on page 126* there is a classification of the members of the council by profession for the three councils of 1920, 1923 and 1926, and from that I see the landlords obtained 38 seats in 1920, 30 in 1923 and 27 in 1926. Are the 389 constituents of the special constituency confined to those who pay Rs. 4,000 land revenue?—Yes.

94. And you say of those very few find their way into the council except through their own constituency?—Yes.

The Chairman: Are you referring to page 99*?

95. *Mr. Hartshorn*: Yes, that is right. Can you tell us how the surplus of four seats has been used? To whom have they been given?—I am afraid I am not in a position to answer that off-hand.

The Chairman: Perhaps some of our members here can tell us.

96. *Mr. Hartshorn*: I mean the class of people that have been given representation through those means?—I am afraid I am not in a position to give you an answer off-hand on that.

97. I was wondering whether it had been used to give some additional representation to labour or the depressed classes?—I cannot recollect that.

The Chairman: It looks as though the four spare seats have been used for non-officials in this way. I must mention the names, because there is no other way of identifying them. Rajah Devakihandan Prashad Singh, Diwan Bahadur Sir Krishna

Mahagatra, Khan Bahadur Shah Muhammad Yahya, and Mr. John Padger. Those are the four names I see in the book.

Mr. Hartshorn: I wanted to know whether any attempt was made by these surplus seats to give additional representation to what appears to me to be a very inadequately represented class of the community.

98. With reference to the mine workers, you say they are very largely drawn from the land, and that as far as mining is concerned it is very much in the nature of seasonal occupation. Do you know whether these labourers from the land are entitled to go into the mines and work alone, or with their wives and families, without having had a specified period of training and experience under competent workmen ?—I am afraid I know very little about the mining area. I have never served in it.

99. *Colonel Lane-Fox*: Might I ask a question about the elections and the candidates who presented themselves, and some of the reasons that are given here why the candidates are not better quality. It says in the book at the bottom of page 111,* talking of the 1926 elections: "The officer in charge of the "1926 elections reported that no great care was "shown in the selection of candidates. Many had "no standing. Hardly any attention was paid to "educational qualifications and it is doubtful "whether many of them can be said to be truly "representative of any class or community. There "is clear indication that men of superior status are "showing more and more reluctance to face the "asperities of a contested election." Is that partly due to the fact that the constituencies are so very large ?—I think that is one of the reasons. It is not an easy job to be a candidate with those very large constituencies, and therefore certain people, who might otherwise be very desirable members of the council if elected, do hold off.

100. And on page 124 the book* says: "It is by "no means, however, so clear that the *political* "capacity of the average elector is equal to the task "of giving an honest and reasoned vote." So generally the electoral system is not working as well at this present moment as one hopes it will be some day. Have you considered any other methods of election at all, such as methods of indirect election ?—The honourable minister, Sir Ganesh Datta Singh, has put forward a definite scheme for indirect election. Are you asking for my personal opinion ?

101. I wondered whether there had been a general discussion of the principles ?—Only very recently for the present Conference.

102. I suppose the case of the unwieldy size of the constituency occurs even more in the case of the elections for the Assembly or for the Council of State ?—That is certainly so, and confirms the impression that it is one of the reasons why certain candidates hold back. There is an even greater tendency in the Assembly candidature to that effect than there is in the council candidature.

103. And the result may be that you get members elected who are not really representative of anything very much except themselves. Please do not think this is a reflection on the council. . . . It is quite impersonal.—If you are asking for my personal opinion, I agree.

104. At any rate, as regards the Assembly, the subject of indirect election might be a very useful one to discuss ?—Certainly as regards the Assembly.

105. Though not so much so, of course, as regards the council ?—The case is not nearly as strong for the council.

106. But still, even in the case of the council I suppose that members find it very difficult to keep in touch with their constituents, or really to represent them ?—Again speaking personally, I think it is a matter that certainly ought to be explored for the council, the possibility of indirect election.

107. Perhaps we had better leave that till we get to the minister here, who has made it his special subject. Will you tell me about the working of the official *bloc*, because in some provinces it has been suggested that the council could be made more responsible if the official *bloc* was removed. I gather from this book that there would have been very great difficulty in carrying through the necessary Government votes if the official *bloc* had not been there ?—I think that is so.

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109. * * * If it had not been for the official *bloc* in this province, Government would have been rather dislocated ?—Government would have been driven back on to a somewhat frequent use of the exceptional powers of His Excellency.

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110. *Colonel Lane-Fox*: One question about university representation. Again I hope there is no question of personal reference, but what has been the experience of this province of the value of university representation ? In England, of course, we look to university representatives for great learning in themselves, or for their being representative of education, especially university subjects. Is that what results here ?—I do not think those results have been achieved.

111. We have been told in other provinces that you merely get a politician, sometimes of very advanced thought, and certainly you do not get any representative specially of learning ?—I would not put it quite as strongly in this province, but it is not very far from that.

112. Anyhow, the experience seems to be the same, that there is no particular variation between the representation of a university and the representation of an ordinary constituency ?—I think I am right in saying that many candidates have considered whether they should stand for the university or for a constituency.

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114. On page 127,* on the question of election expenses, at the top of the page, first paragraph, you say: "There is no present limit to election ex-"penses." There again, has no effort been made by the local government or by private members to produce any schedule or rate of election expenses—to limit the amount ?—I think the view of Government was that during the period which is drawing to a close now, it was not desirable to attempt that unless there was obviously a demand from the council itself to do so.

Lord Strathcona: We have heard elsewhere most extraordinary suggestions of the size of election expenses, whether returned or not. It seems rather strange in this province there should be no present limit at all.

115. *The Chairman*: I did not think there was in any province. I had understood from what I had seen of the documents elsewhere that there is at present no limit for the amount which may be spent by or on behalf of a candidate, though, of course, there are certain forms of expenditure which are illegal; obviously you could not lawfully spend money in bribery, but there is no actual limit to the amount. Is not that the position ?

The Raja Bahadur of Amawan: There is no actual limit.

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116. *Major Attlee*: On page 108* you set out the territorial distribution in the general constituencies. I notice the Patna division comes off much the best in that way, as regards the ratio between population and members. That, I take it, is due to its superior wealth ?—The reason is given in the following paragraph: "The Patna division, with its relatively high

* Vol. XII.

"urban population and tradition of political "importance, comes off best."

117. Yes. I want to know what the traditional political importance means exactly ?—Patna city itself has always been the political centre of Bihar for centuries, and the people actually living close by have naturally acquired a political importance which places not so favourably situated have not got.

118. In framing the electoral rules you have rather a different system from most, but I gather here that an endeavour is made by having different qualifications in different parts of the province to enfranchise virtually the same class of people everywhere. Is that so ?—That is so.

119. But I take it no definite effort was made to allocate the seats between the three divisions of the province, between Bihar, Chota Nagpur and Orissa ? It was not deliberately done ? Chota Nagpur, I take it, comes off worst ?—I think there was some attempt to assess the political development of the different parts of the province and give to the parts that were most greatly politically developed the largest number of seats.

120. It was on the basis of that political development, and not of their population and so on ?—Not entirely on population.

121. In the council is there any division on a territorial line ? I notice you say there is a party of non-Swarajist members from Orissa who act together. Is there any sort of a pull in the council as between the Bihar members and the Orissa members ?—There are a certain number of Muslims who ordinarily act together. The Oriyas, leaving out the Swarajists, of whom there are several from Orissa, usually act together. In the Swarajist party itself there are a certain number of people who specially act together on tenancy questions as ryots. I cannot, off-hand, think of any other development of that kind.

122. I was only wondering whether the territorial division ever cut across other political or communal divisions ?—On that point may I refer to the opening passage of the memorandum on minorities* ?

123. *The Chairman* : The bottom of the first page,? —Yes.

The Chairman : That is a very interesting passage indeed. * * * Perhaps you will read it out, Major Attlee ?

124. *Major Attlee* : "Thus where communal "interests are engaged, the predominant party is the "Hindu party, which constitutes 60 per cent. of the "whole ; where territorial interests are at stake, the "predominant party is the Bihari party, which "constitutes 68 per cent. of the whole against a collection of remnants making up 32 per cent. It is "perfectly clear that questions of communal and "territorial interests must frequently arise in the "doings of the council, the interests of Hindus and "Muhammadans being frequently quite distinct, and "the interests of Bihar, Chota Nagpur and Orissa "being very far from identical. In these conditions "the anxiety of minorities is both real and inevitable."* Page 118,† dealing with canvassing at elections, says in the second paragraph : "The usual "form of canvassing was by electoral addresses and "distribution of leaflets and posters. No objection "can be taken to employing paid canvassers." When you say "No objection can be taken" are you referring to a theoretical feeling as to whether it is right or wrong, or to the legal position ? Of course, paid canvassers are illegal in England. They are not in this country ?—I take it they are not. I may draw attention to the quotation marks at the top of page 118†, which are concluded on page 119.† This is an extract from the report of the elections officer for 1926.

125. *The Chairman* : One of our colleagues who is a learned gentleman will tell us at once. Is paying a canvasser here in elections a lawful or unlawful proceeding ?

Dr. Suhrawardy : Lawful.

The Chairman : In England it is not ; we are not allowed to employ paid canvassers.

126. *Major Attlee* : Equally I gather at the present moment the utilisation of local bodies does not seem to be forbidden ?—There is nothing to prevent them doing it.

127. They are both legal ?—Yes.

128. At Home we should object strongly to the paying of canvassers, almost as much as to the other, from the legal point of view. That has not been dealt with here ?—No.

129. *Mr. Cadogan* : Do candidates pay a deposit which is forfeitable in the event of their not getting a requisite proportion of the votes ?—Yes, they pay Rs. 250.

130. I notice a discharged lunatic stood for twelve constituencies ?—That was in the first elections. At that time the Rs. 250 rule had not been enforced.

131. I notice at the top of page 111* you say : "At "the first election there was no sign of party loyalty "among the candidates, or of representation of particular interests, except in some North Bihar constituencies, where ryots' men stood against the "landlords' men." Again, at the bottom of page 119* you say : "Again contrary to the Congress creed "they declared themselves advocates of tenants in "strong opposition to landlords." Is there now any general indication at elections that there is an antagonism between the landlord and the tenant interest ? —I think it still continues in North Bihar. I would not say it is very noticeable anywhere else.

132. One question arising out of a question put by the Chairman. On page 102* you say a member from Jamshedpur was nominated for the first two councils to represent the labour interest, and the Chairman asked what qualification he had to represent labour. Is there any form of trades union organisation which operates at all here at election times ?—There is some amount of trades union organisation there, but I should not say it has got to the stage at which it is effective during an election. There not being an election it is difficult to say.

133. Had this individual anything to do with trades union organisation ?—As far as I recollect, he was interested in organising a trades union there.

134. *Mr. Hartshorn* : I should like to know why at the last election the Government went elsewhere for their representative of labour ?—It was to give Jamalpur a turn, after two turns to Jamshedpur.

135. That was the sole reason ?—Yes.

136. *The Chairman* : I understand some of the witnesses coming on Monday will be able to help us on this important subject of labour organisation, probably with more direct knowledge than you possess ?—I hope so.

Mr. Cadogan : I was looking at it from the point of view of the general election.

The Chairman : Yes. I meant as far as general information is concerned we shall be able to get some help from them.

137. *Sir Arthur Froom* : It appears that the aborigines are represented in the council by two nominations ; is not that so ?—Yes.

138. Do they secure a seat in the general constituencies ?—There are at present sitting in the council two gentlemen who have been returned by the votes of the aborigines in certain general constituencies.

139. Two ?—Yes. I consider Rai Bahadur S. C. Roy as one, and the member for Singhbhum as the second ; he is an aboriginal himself.

140. That makes a total of four representing roughly a population of five millions out of thirty-four millions ?—Yes.

141. That is so, is not it ?—Yes.

142. *Raja Nawab Ali Khan* : On page 368 of the memorandum of minority communities* you say : "This view is supported by the fact that in the "district board elections of last year, on an electorate "almost identical with the council electorate, but

* Vol. XII, p. 366. † Vol. XII.

* Vol. XII.

" with smaller constituencies, only 32 Muhammadans " were returned for 465 seats, or less than 7 per cent., " though they numbered nearly 10 per cent. of the " electors." That was in 1927 ?—That is so.

143. Can you tell the Conference the result of the elections of 1924 ?—In 1924 the Muhammadans secured considerably more.

144. What was the proportion ?—I cannot say off-hand. You will probably find it in the chapter on district boards.

145. *Raja Nawab Ali Khan* : I should like to know the result of the elections of 1924 and 1927 ?—I have it here ; it is on page 68 of the volume.* They secured 42 seats out of 457 in 1924, but only 32 out of 465 in 1927.

146. That means they secured their full quota ?—They very nearly got it in 1924, but fell below it in 1927.

147. What was the result in 1921 ?—In 1921 the system of election was entirely different, and the figures would not be comparable.

148. *Sir Hari Singh Gour* : As regards the aboriginals, what percentage of them go to the poll ?—I could not give you the figure off-hand, but I think it is well up to the average of other parts of the province.

149. On page 144* you say : " More important " constitutionally is the fact that a direct censure " motion against the ministers would have been " carried by nine votes but for the aid of the official " *bloc*." I leave out a few sentences. You go on to say : " In 1928 the motions, which were similarly " defeated, were one economy motion to omit the " provision for allowing European sergeants of police " passages to England once in seven years, and four " censure motions, criticising the action taken to " secure enhancement of rent by compromise in a " Government estate, urging the substitution of competitive examination for selection to certain Government posts, pressing that secretaries in the transferred departments should be officers of the " provincial civil service instead of Indian Civil " Service officers, and objecting to certain passages " in the annual report on the police, which were " interpreted as interference with the discretion of " the courts." In all these matters the official *bloc* was instrumental in defeating the motions ; is not that so ?—Yes.

150. It is therefore clear from this paragraph on page 144* that the ministers have at times to rely on the official *bloc* to keep them in office ?—Yes.

151. They regard that as their reserve strength ; in case of necessity the official *bloc* is there at their beck and call to keep them in office ?—I think that is so.

152. How far do you think that detracts from ministerial responsibility which, as ministers, they are called on to discharge ?—I think it certainly detracts from their responsibility.

153. At page 145* you say : " A resolution usually " aims at stimulating Government to greater activ- " ity, in regions where it is supposed to have been " guilty of lethargy, or curbing what is represented " to be the excessive or unnecessary use of its powers " in other spheres. The Bihar and Orissa council has " been liberal with advice tending in both directions." Have the criticisms of the local council had a healthy effect on Government as a rule ?—I think very largely they have.

Sir Hari Singh Gour : There are three passages on pages 368 and 369 of the memorandum on minority communities* to which I should like to refer. The first is on page 368, paragraph 5 : " It must be " admitted that there has been considerable ill feeling " between the Hindus and Muhammadans of the " province in the last four years, and it is possible to " argue that the separate representation has been a " contributory cause."

The Chairman : I think it would be well to read the next sentence also.

Sir Hari Singh Gour : " It is equally arguable that " the Hindu-Muhammadan bitterness is merely a " manifestation of the general struggle for power, " which the Reforms have opened and that, without " the safeguards they have got, the Muhammadans " would have been still more antagonistic to the " community, which is numerically far the most " powerful in the province."

The Chairman : It is merely that as far as this document is concerned it puts the argument on both sides.

154. *Sir Hari Singh Gour* : Yes. On page 369* you say : " There is no evidence that separate representa- " tion has induced among the Muhammadans a " feeling of satisfied security for the future." The third sentence to which I would draw your attention is this : " Their apprehensions perhaps do not find " much support from the proceedings of the council " in the past eight years. The leading Hindus have " shown, on the whole, no tendency to use their " majority to the prejudice of other communities. " But the prominence of the *Shuddhi* and *Sangathan* " movements for the consolidation of Hindu interests " has encouraged the idea that but for the existence " of a substantial body of Muhammadan votes in " the council their interest might have suffered." All these three passages seem to suggest the conclusion that separate electorates have failed to achieve the purposes which their sponsors had in view. There have been no apprehensions, no evidence that it has given greater security to Muslims, and on the whole the majority party in the council have not used their power to the prejudice of the minority. The cumulative effect of it would seem to be that separate electorates are no longer justifiable, and yet we find you say : " In present circumstances the special " representation of Muhammadans is a powerful " safeguard for that important community, and is a " valuable influence in steadying the constitution." I have not been able to reconcile the premises with the conclusion ?—I think the conclusion you stated before you read the last part is not the conclusion I would draw from the passages you previously read. If you have drawn it, I apologise for having misled you.

155. Do not you think indirect elections would not give that political education to the electorates at large which direct elections will give, or at any rate are intended to give ?—That is, of course, undoubtedly one of the objections to indirect elections.

156. For instance, the people in your province are naturally anxious to go first to the local council, because it is more convenient and locally constituted and deals with matters with which they are directly concerned ?—That is certainly so.

157. Consequently if you have indirect elections the electorate at large in your province would take even less interest in the elections to the Legislative Assembly and the Council of State than they do at present ?—That might be the effect.

158. As regards university representation, you have pointed out that the university representation in the real sense of the term, that is, a man of learning, an expert in higher education, is not necessarily returned to the local council, but suppose we were to ensure that a candidate for a university seat was essentially a university man, an educationalist or a man qualified to represent the university, would not that improve the university representation on the council ?—It would certainly be an advantage to have a man of learning representing the university in a true sense, in my opinion ; but at present you do not get that.

159. *Dr. Suhrawardy* : Would you confine it to teachers, or what ?

Sir Hari Singh Gour : You could confine it to university professors, or doctors of law, vice-chancellors, rectors, registrars.

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160. *Sir Hari Singh Gour* : These special constituencies might be looked at from two standpoints.

* Vol. XII.

The special representative does not necessarily directly contribute to the discussions from his special standpoint, but he safeguards the interest of his constituency when it is imperilled, or is about to be imperilled. Take, for instance, a university seat. If I represented the university in the local council, it is not that I should always throw a flood of learning upon a particular subject, but I should see that when the university interests demanded my intervention, that intervention would be forthcoming.—I think that is certainly a way of looking at it.

161. Will you kindly turn to this small book on the minorities. Assuming your first three premises were right, pages 368 and 369*, what conclusion would you draw from these premises ? Would you not say that after separate electorates you have no security, and that the local board elections of 1924 showed that they got their proper percentage even without separate electorates ? Has it not knocked the bottom out of the case for separate electorates in this province ?—That is certainly not my reading of the passage to which you are referring.

162. That is a question of interpretation ?—Quite.

163. But apart from interpretation, I ask you your own opinion. You have first of all the experience of the local council. In 1924 they got 10 per cent. In 1927 they got 7 per cent., and they are not only a minority community, but comparatively a backward community as compared to the Hindus ?—The Muhammadans ?

164. Yes, comparatively ?—From what point of view—educationally ?

165. Yes ?—Not in this province.

166. Being, therefore, a community equally advanced with the Hindus, do not you think that they must take their share in the general electorates ?—I certainly do not think so myself.

167. They have no handicap : they have suffered from no drawback of any kind ?—You asked me whether I thought separate electorates should be abolished ?

168. Yes ?—My answer to that is, in my opinion, no. It is as far as I can go.

169. As regards these nominations, can you suggest any means of doing away with the nomination of the depressed classes ? In one passage I find you have said about the depressed classes there are no real depressed classes in this province ?—I hardly go as far as that.

The Chairman : I think what my friend Sir Hari Singh Gour means is this. I had marked it myself, on page 103* : " The province thus does not in fact " contain any large number of definite depressed " classes, whose condition constitutes, as it is under- " stood it does in some other provinces, a special " administrative problem. At the same time there " are a large number of persons living in more or less " depressed conditions, who are not able to secure " representation through the exercise of the fran- " chise." That, I think, is the passage to which you refer ?

170. *Sir Hari Singh Gour* : Yes. Thank you, sir. In this connection, may I draw your attention to paragraph 73 on page 46* : " The interests of minor- " ities have never been safeguarded by separate " electorates, but have been secured by the use of " nomination." That has undoubtedly been the case. Now, can you suggest some means of improving upon their representation in the local council by means other than nomination ?—We are talking for the moment of municipalities ?

171. Yes, municipalities and district councils, and also the local councils ?—I think it would be possible to do it, if it was considered desirable to do it, in urban constituencies. You could, for example, get a separate electorate for the municipal sweepers.

172. Or reservation of seats ?—That would be a possibility.

173. And in the local councils, supposing we had indirect elections, like we had under the Morley-Minto Reforms ?—I think it would be extraordinarily difficult from an administrative point of view to run an indirect election, especially to get one or more representatives from the people who are qualified as depressed classes. They are scattered all over the province. I take it you have in mind some such idea as that Patna City would elect one or more headmen, such as Sir Ganesh Datta Singh has suggested ?

174. Yes ?—You would then have the headman elected from the whole of what we call a *thana* in another district there. You would then get another headman elected from some part of Chota Nagpur, over a very large area possibly. I think personally I should be very sorry to take on the job myself of arranging the election.

175. There are no doubt difficulties, but you have to educate the backward classes so that they may be able to hold their own in the near or remote future ?—Yes.

176. *The Chairman* : May I just add this. (I am very much obliged to you, Sir Hari Singh.) There are several considerations which are of great importance about this. Evidently you have been bearing them in mind also. I am affected a good deal by this consideration. Under the present provincial constitutions a man cannot be a minister unless he is an elected member. It follows, therefore, that under the existing constitution you have got a provision by which no member of the depressed classes can ever be minister ?—That is to say, no nominated member can be a minister.

177. That is a very grave fact, you know, is it not ?—Certainly.

178. Then, again, I gather from these different sittings we have had, that undoubtedly the position of the elected member, his position and authority in the council, is often superior, he is felt to be more independent, as it were, than a nominated man sometimes is, who is necessarily, of course, thinking of future nomination, and in any case has been selected by some outside body, and not by his constituents ?—Yes.

179. Those seem to me to be very important things in thinking of the future of the country. On the other hand, as you pointed out, I think we are all very much alive to this : you cannot have election unless you have got some scheme by which you can make a practical list, and use it, of the people who are going to vote ?—That was the point I was trying to make.

180. That is probably what you meant by your administrative difficulty ?—Yes.

181. On that point, after some reflection I feel this very strongly, that all those who sincerely sympathise with the effort to raise the standards of the depressed classes (and I include in that many distinguished Indian politicians, as well as others) desire very much to see the way open for the depressed class man to rise ?—Yes.

The Chairman : I feel a little difficulty about putting the depressed class people in a list, because it seems like saying, " There you are and there you stay."

Lord Burnham : And it might mean putting back some of those who have come to be outside.

The Chairman : That is a difficulty which emerged in the United Provinces. I think Mr. Rajah pointed out that it must be considered with great caution, but we were certainly told that in some parts of the United Provinces men belonging to a particular caste might be treated as outcastes, yet in another part of the United Provinces they might be in a better social position. It is a very serious thing, as Lord Burnham points out, to make a list of everybody in that caste and say " You are all of you depressed ; I do not care " what your personal experience may be ; you must " be counted as depressed classes."

182. *Sir Hari Singh Gour* : Can you suggest some means of securing to the backward classes—the aboriginals and depressed classes—some means of getting into the local bodies and the council by means of election ?—The aboriginals have got that.

* Vol. XII.

183. I mean the depressed classes ?—I think you can exclude the aboriginals from your question.

184. Yes.—The only possible solution I have heard (speaking as a Government official and confining myself to the practicability of schemes) is that suggested by Sir Ganesh Datta Singh in his memorandum, the scheme by which members for the depressed classes should be persons of that status elected by all the members, or all the elected members, of the legislative council after it has been formed at a general election.

185. Like the London County Council or what we have in the municipalities, what is called selection; a certain percentage are selected ?—It practically means co-option from a particular limited class of persons.

Sir Hari Singh Gour: I have heard of that suggestion, but the objection is that the depressed class representatives do not receive their mandate from the depressed classes themselves.

The Chairman: I think that is a very important point, and I quite agree with you.

186. *Sir Hari Singh Gour*: The suggestion I make is this. In each tahsil, for instance, you might have ten or twenty men, thus making for a district say a hundred men who would form an electoral college for the election of one, two or five members (as the case might be) to the local council, as was the case for the late Imperial Legislative Council under the Morley-Minto scheme. Do not you think that would be a step in advance of the present system of nomination ? They will be elected members ?—I have not quite grasped what scheme you are contemplating.

187. I am putting exactly the scheme which was in force for the election of members to the late Imperial Legislative Council and also to the local councils ?—You are still speaking of the depressed classes ?

188. Yes. I would do this. I would group every hundred or two hundred villages, as the case may be, and the depressed classes there possessing the qualification for voting, or even a specially reduced qualification, will elect one delegate, and so on. Altogether the number of delegates for one district, or it may be a group of districts, will be one hundred, say, and these delegates will elect one man to the local council.—Yes.

189. *The Chairman*: It is a system of primaries.

Sir Hari Singh Gour: Yes.

190. *Lord Burnham*: You are thinking of it only for the depressed classes; not for the whole electorate ?

Sir Hari Singh Gour: Only for the depressed classes.

The Chairman: Sir Hari Singh Gour is endeavouring to meet, by this ingenious suggestion, the practical administrative difficulty of direct election with big areas.

191. *Sir Hari Singh Gour*: And it ensures to the representatives of the depressed classes that feeling that they are representatives of that class, and sent up to the council by that class ?—I quite see the desirability of that aim. I take it you are asking me my opinion as a practical officer ?

192. Yes ?—The proposal you make as regards the depressed classes is practically identical with the proposal Sir Ganesh Datta Singh has made for all elections. It is not very easy to see how well it would work for all elections; no doubt that point will be taken up with Sir Ganesh. I think if you were going to do it merely for the depressed classes it would add enormously to the cost and difficulty of conducting a general election.

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193. *Sir Zulfiqar Ali Khan*: Do I understand that the Muhammadans enjoy separate electorates in this province ?—Yes.

194. And they have fixed seats in the proportion of 25 per cent. ?—Almost exactly 25 per cent., yes.

195. Are they satisfied with this proportion ? I want to ask you this question because in the North-West Frontier Province the Hindus, although they form only 6 per cent., demanded 40 per cent. of the seats.—I think there are some Muslims who are not satisfied with the present proportion. I gather that from reading some of the memoranda put in.

196. They want more ?—They want more. I think one-third is the proportion they ask for.

197. How was it that in the 1927 elections the Muslims got fewer seats than in the elections of 1924 ?—My own opinion is that in the meantime the bitterness between the Hindus and Muslims had very greatly increased. In this province there was very little bitterness before 1924; by 1927 there was not such bitterness, fortunately for us, as in some other places, but there was a considerable amount.

198. *Dr. Suhrawardy*: Are you referring to the elections for the district boards ?

The Chairman: Yes.

199. *Sir Zulfiqar Ali Khan*: Does this tension still continue ?—To some extent. I think at the moment the tension is less than it was a year or eighteen months ago. It fluctuates.

200. Do you think that if the tension between the communities continues like this the Muhammadans have any chance of getting their due proportion of seats by election ?—I have said in paragraph 3 at the top of page 368 of the memorandum on minority communities*: "Thus if a joint "electorate were established without any safeguards "and votes were canvassed on purely communal "lines it is improbable that any Muhammadan would "be returned to the council, except from Purnea."

201. Do the Muhammadans as a community want separate electorates ?—I understand so.

202. If provincial autonomy is granted to this province, and the Governor calls on the member who commands the biggest majority to form his Cabinet, and that man happens to be a non-Muslim, do you think the Muhammadans have any reasonable chance of expecting their nomination to the ministry ?—It would be very difficult to say. I think a Muhammadan minister would enter a Cabinet only as part of a coalition of groups.

203. Can you tell me whether any provision can be made in the event of their not being included in the Cabinet by the man who forms it ? Can you suggest any provision ?—Personally I think it would be extremely difficult to bring it effectively into the new Government of India Act.

204. It would be difficult ?—Extremely difficult, in my opinion.

205. Then the Muhammadans, under those circumstances, are likely to go unrepresented in the Cabinet ?—Unless they form a sufficiently large body to be able to offer their support to one or other of two rival candidates for the new post of chief minister.

206. This, of course, would be very precarious ?—I agree with you.

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208. *Sardar Shivdev Singh Uberoi*: You said that the aboriginals are a distinct community from any other community in this province, and that they form 14 per cent. of the whole population, and that they are not given any special representation in the council or in the local boards. Is that a fact ?—There are two nominated members for the aboriginals. They have at present managed to secure two elected representatives, who, I think, do really represent them.

209. What I meant to inquire was, they have not got any special electorate themselves ?—No separate electorate, no.

210. How is their economic and educational condition in this province ? What is their general profession ?—They are mainly cultivators.

211. And how is their economic position ? Are they well off, or a backward community ?—On the whole, economically I think they are considerably better off than the lower classes of Hindus and Muhammadans.

212. To what religion do they belong mainly ?—They are mainly animists, but a very considerable number of them are Christians.

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* Vol. XII.

213. Do not you think they deserve special representation through their own electorate, because they form the first important minority community in this province ?—I think the necessity does not arise, because they are territorially concentrated in certain districts.

214. Does it not mean that their election would be easier than if they were scattered all over the province—that they can form a concise special electorate ?—The point I wanted to make, in making my answer, was this. If you take this memorandum on backward tracts*, on page 347, there are shown the proportions of aboriginals to the total population, and the percentage of aboriginal electors. There are no less than four existing constituencies where over 50 per cent. of the electors are actually aboriginals.

Sardar Shivdev Singh Uberoi : So it means that four members can be elected in those four constituencies ?

215. *The Chairman* : Four or three ?—Three is correct. I apologise.

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217. *Sardar Shivdev Singh Uberoi* : * * * If the vote was extended to the educated classes who do not possess a property qualification, I mean to matriculates, will it not create an interest in politics in the generally educated classes ?—I think they have already got a considerable interest in politics, even though they may not possess the vote ; and my own view is that they are better engaged in earning a living which will qualify them for a vote than in getting their vote merely by a purely educational qualification.

218. Do not you think that a matriculate would certainly be much better than an *ekka* driver who enjoys a vote ?—I think he has much less claim than a man who does actually contribute to the upkeep of the municipality or the province.

219. Your principle is, those who pay shall have the vote ?—That is one of my principles.

220. There is no vote for women in this province ? —That is so at present.

221. Has any attempt ever been made by any motion moved in the council to extend the vote to women ?—In the first council, either in the first or the second session, there was such a motion put forward, which was defeated, and since then it has never been moved again.

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222. *Dr. Suhrawardy* : In reply to Sir Zulfiqar Ali Khan, you have said it would be difficult to provide for the appointment of a Muhammadan in the Cabinet by express provision in the Government of India Act ?—Yes.

223. In view of the fact that the Muslims form a small percentage in your province, and in view of the further fact that the leader of the majority community, likely to be sent for by the Governor to form a Cabinet, would invariably be a non-Muhammadan, do not you think that the best way of securing the appointment of a Muhammadan on the Cabinet would be by giving them increased representation on the council, that is to say, in excess of their numerical strength, to make them an effective minority ?—I think at present the Muhammadan *bloc*, if they always acted together, would be a group which would always demand respect from any chief minister. Certainly, if you increase the number of that *bloc* by more seats allotted to it, you would make the future chief ministers respect it more.

224. And ensure the inclusion of a Muhammadan ? —I do not think it would necessarily ensure it unless you increased it to 50 per cent. or more.

225. *The Chairman* : That means that you reduce the Hindus to 50 per cent. or less ?—Exactly.

The Chairman : The more you give to one side, the less there is for another. It is always a question of balance, is it not ?

226. *Dr. Suhrawardy* : At page 126 of your memorandum* you classify the present members of the local council according to profession. Into what class does the present university member fall—landlord, lawyer or politician ?—He is a lawyer.

227. And in the election of 1923 ?—He was also a lawyer.

228. And in 1921 also, I presume ?—In all three cases he was a lawyer.

Lord Burnham : Pandits or Vakils ?

229. *Dr. Suhrawardy* : Vakils, barristers or pleaders ?—The first was a barrister.

Maulvi Saiyid Mubarak Ali Sahib : The second was also a barrister.

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230. *Dr. Suhrawadry* : In reply to a question put by Sir Arthur Froom, I understood you to say that Rai Bahadur S. C. Roy represented the aboriginals ?—Yes.

231. In what sense, because that is a Bengali name ?—He commands their support.

232. Have they a separate electorate ?—No, but he is member for the Ranchi district, which I think has the most aboriginals of all the districts of the province. He commands the confidence of the aboriginals in that district to a very remarkable extent.

233. *Rao Bahadur Rajah* : I see on page 213* you almost define the term " depressed classes " ?—Yes.

234. You have two terms, clean and unclean castes. You say : " Between 1922 and 1927 the " classification of high caste Hindus was widened to " take in all the ' clean ' castes and consequently the " figures for the five highest castes are no longer " available."—That was never intended to be a definition.

235. The previous sentence says : " The tribes " and castes to be included among (1) aborigines and " (2) untouchables have now been defined."—Yes. If it is your idea that the definition is all Hindus except the five highest castes, it is not correct.

Rao Bahadur Rajah : That is what I am asking ; that is how I read this.

Mr. Hartshorn : What is meant by saying they have now been defined ? What is the definition ?

236. *The Chairman* : This is in the definitely educational part of the book. It refers to the table printed just above, where one sees that for the purposes of educational classification there is a division for colleges, high schools, middle schools and primary schools between Muhammadans, aborigines, untouchables, high caste Hindus (namely the five top castes) and other Hindu castes. What is meant by saying " The tribes and castes to be included among " (1) aborigines and (2) untouchables have now been " defined " ? Do you know ?—From 1917 onwards a definition has been imposed by the Education department to separate out who are untouchables and who are aborigines. As far as I recollect, the way it is done is by naming the caste or tribe names of the people who are to be included under that definition.

237. *Rao Bahadur Rajah* : Exactly ; so there was a list ?—We have a list of castes and tribes.

The Chairman : I expect the Educational Secretary can help us and we need not worry about it now, but Mr. Rajah's question is an important one.

238. *Rao Bahadur Rajah* : They are represented now by two nominated members in the legislative council ?—That is so.

239. And that is also indirect representation ; they are represented by missionaries working amongst them ?—That is so.

240. Not by themselves ?—That is so.

The Chairman : Where is this ?

241. *Rao Bahadur Rajah* : Page 371* of the memorandum on minority communities. Again, on on page 104* you say : " The third class, aborigines, " evidently required no more representation. For

* Vol. XII.

" the others "—that is, the untouchables, the depressed classes—" it was considered that some case " had been made out for increasing their representa- " tion to four." At the end of that paragraph you say : " Further the filling of the existing two seats " by nomination has always presented great difficulty " and an increase of nominated members might well " have been misconstrued as an attempt to strengthen " support for Government." And therefore you did not give them representation ?—That is so.

242. So there the nomination stood in their way ? —The fact they were nominated members stood in the way of increasing the numbers ; that is the point.

243. Nomination stood in the way of their getting additional representation ?—Yes.

244. From page 84* I see you have got 155 union boards. Have you got any representation for the depressed classes on those union boards ? You say " most of them have got judicial powers " and " they " have no doubt enormous potentialities, not only " in the sphere of local administration and in the " solution of the difficult problems of education and " sanitation, but also in the wider sphere of training " the rural population in representative govern- " ment." Seeing the importance of these union boards, have you given the depressed classes any representation on these bodies ?—Local Self-Government is not a department in which I am very familiar with the facts, but as far as I know there is no separate representation.

The Chairman : I think we might ask Mr. Owen that ; he could answer straight away.

245. *Rao Bahadur Rajah* : Will you kindly tell me what has been the attitude of the legislative council towards the depressed classes ?—I have not been a member of the council for the whole period.

The Chairman : Is there anything particular to which you wish to call attention ?

246. *Rao Bahadur Rajah* : Yes ; the last sentence on page 147* : " A resolution advocating the appoint- " ment of a committee to inquire into the condition " of the depressed classes was defeated."—I can tell you about that resolution. It was moved in the very first session ; in fact, I think it was the first resolution moved in the council. The council was not very familiar with its business at that time, as you might expect, and the mover was not very effective. He was not able to explain exactly what sort of committee he wanted, and the council as a whole thought there was no case made out. That is my recollection. I took part in the debate myself, incidentally.

247. With reference to a question put by my friend, Sir Hari Singh Gour ; you suggested co-option as a means of giving representation to the depressed classes ?—I said that had been suggested.

248. Do you think if that is resorted to the representative of the depressed classes on the council will be a mere nominee of the majority party in the council ?—That would certainly appear to be how it would work out.

249. So, the swarajists being in a majority, they will have their own nominee, although the bulk of the depressed classes do not share the views of the swarajists ?—I think it would be very difficult to prevent that sort of thing happening.

250. But should not we prevent it ? You are here to prevent it ?—That particular form of getting representatives would lend itself to that development, which is an undesirable one.

251. Exactly. This system will do harm to the depressed classes rather than good ?—I think I can say that is my opinion.

252. *Rao Bahadur Rajah* : As regards these five high castes of Hindus in your province, can you give me their total population ?

The Chairman : I think you could supply that figure for us ?

Rao Bahadur Rajah : Yes, and also the percentage of representation they have in the council.

* Vol. XII.

The Witness : May I supply it in the committee ?

Rao Bahadur Rajah : I am not asking anything about figures for the depressed classes ; I am reserving that for the committee.

The Chairman : You might let the secretariat have those figures*.

253. *Rai Bahadur S. C. Roy* : On page 103, paragraph 154†, you give the number of the aborigines as four millions. Do you include Christian aborigines in that figure ?—I think it includes Christians.

254. *Rai Bahadur S. C. Roy* : I will give the figures from the Census reports : Animists, 1,888,009 ; Hindu aborigines, 3,549,140 ; Christian aborigines, 257,129, making a total of about 5,700,000. Is it a fact that the Indian Christians of this province are mostly aborigines and are mostly in Chota Nagpur ? —That is certainly so, yes.

Rai Bahadur S. C. Roy : The figures I have given come to about 57 lakhs, and if you omit the Christians the total would be about four millions‡.

255. *The Chairman* : Is this how it stands ? I am looking at page 103. When I read this number of four millions‡, that is after excluding something like one and a half millions‡ of Indian Christians ?—Two and a half millions‡.

The Chairman : Of Indian Christians ?

256. *Rai Bahadur S. C. Roy* : Yes. You say (Page 103†) : " The third class already elects two " members capable of explaining their wishes, and " could elect four more, while two members are " nominated in their interests." Are the two members who you say are capable of explaining their wishes elected by general electorates ?—Yes.

257. And only two members are nominated to represent the aborigines ?—That is so.

258. And both of them are Christian missionaries ? —At the present moment I think that is correct.

259. Is not it a fact that the number of non-Christian aborigines is far greater than that of Christian aborigines ?—Certainly.

The Chairman : That must be so ; four millions‡ as against two and a half millions.‡

260. *Rai Bahadur S. C. Roy* : Is not it a fact that a number of aborigines are graduates and men holding respectable positions and capable of representing their interests ?—Do you mean Christians ?

261. Non-Christians and Christians ?—A few of them are graduates.

262. Have you any idea of the number ?—I could not say off-hand.

263. Is not it a fact there are about two hundred graduates and undergraduates of universities who are aborigines ?—I should not be surprised.

264. *The Chairman* : We will take the figure from you, Rai Bahadur, because we know your knowledge and interest in the subject. Is that the figure ?

Rai Bahadur S. C. Roy : Yes, about that.

265. *The Chairman* : Your point, I think, is this : You point out that at present both the nominated members for the aborigines are Christians—missionaries ?—Yes.

Rai Bahadur S. C. Roy : Yes.

The Chairman : But on the other hand you point out there is a substantial number, indeed the majority, of these people who are not Christians ?

266. *Rai Bahadur S. C. Roy* : Yes, and they have people among them who might be nominated to represent their interests. Is not it a fact that the two people who have been nominated to represent their interests did not ask a single question in the council or move a single resolution in the interests of the aborigines, taking all the last nine years ?—I cannot recollect whether that is so or not.

Rai Bahadur S. C. Roy : You cannot recollect any questions put or resolutions moved in the interests of the aborigines by these gentlemen ?

Rao Bahadur Rajah : That is very interesting.

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* *Vide* Appendix A, p. 285.† Vol. XII.

‡ These figures were based on a misapprehension. The correct basic figures are given in question 254.

267. You say at page 104*: "The third class, "aborigines, evidently required no more representa- "tion." What is your reason for making that statement? Have they not an important interest in the country?—At the time the point was, should there be more people nominated to represent the aboriginals, and you are asking me why I should say they evidently required no more representation. Have I taken up your point correctly?

268. The recommendation of the Reforms Inquiry Committee was to increase the representation and to substitute election for nomination, but Government thought that they did not require further representation, and did not consider the question of election at all; is not that so?—That is so, yes.

269. Then what are the grounds for thinking that they require no more representation, when they form, taking the Christian aboriginals and the non-Christian aboriginals together, about 16 per cent. of the population of the province?—I admit that if you based the number of members from a particular community in the council entirely on population, the amount of representation that the aboriginals had got at the moment when this was written is not adequate. Taking your figures, there should be about eight representatives as against four.

270. As regards the four, there are two nominated members who are really exclusively representatives of the aboriginals. The other two represent general constituencies. Now, does the importance of the aboriginals lie only in their number, or are they not important in other ways?—They certainly raise problems which are peculiar to themselves.

271. Most of them have lands?—Yes.

272. And a number of them are owners of villages as Khuntkattidars? They own a village as a community?—Yes.

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273. *Babu Lakshmidhar Mahanti*: Supposing the election rules were so modified that only members of the depressed classes would be nominated to represent their interests in the council, could you find suitable persons in this province for the purpose?—It has hitherto been found extremely difficult to get any member of the really depressed classes who is generally considered competent to take part in the council's deliberations.

274. Supposing again you were asked to prepare an electoral roll, if the elective system is extended to them, for the depressed classes specially, are you of opinion that suitable means could be devised to form an electoral roll for a separate electorate for the depressed classes?—It would be possible to do it.

275. *The Chairman*: By castes, is it not?—Yes, I was going to add that.

The Chairman: I should imagine there is no other way except by castes. They have to put down everybody who is found in that class in a particular caste, excluding those who have not got the electoral qualifications.

Babu Lakshmidhar Mahanti: Are there not some castes who are reluctant to call themselves depressed?

276. *The Chairman*: It is a difficulty.—That is certainly a difficulty.

277. *Babu Lakshmidhar Mahanti*: Is it a fact that certain castes call themselves depressed in some parts but not in other parts?—I think that is so.

Rao Badahur Rajah: That is only in very few cases, I suppose. A caste is a caste, a Chamar is a Chamar everywhere.

The Chairman: We have had this point, Mr. Rajah, before. It does appear that the gentlemen coming from the province think that there is a difference in one part of the province from the other.

The Rajah Bahadur of Amawan: There is a difference.

278. *Babu Lakshmidhar Mahanti*: Is it a fact that the council has shown anxious concern, this council at least, for the welfare of the depressed classes?—I should not put it as strongly as that. I think they have shown some concern, but not a very great deal.

279. Have they not recently voted money for the payment of special instructors for the depressed classes?—Yes, I believe they have.

280. Have they not laid it down that members of the depressed classes only should be appointed?—I am not aware of that.

281. *The Chairman*: Would you mind telling me what is the reason why in this province special schools or special teachers are being provided for depressed classes children?

Babu Lakshmidhar Mahanti: Because there are some castes who are untouchable.

282. *The Chairman*: It is owing to the social customs of the country which would make it difficult for some of these children belonging to the untouchable castes to go to the same school as children coming from higher castes?

Babu Lakshmidhar Mahanti: Yes, exactly so.

283. *The Chairman*: I think Mr. Rajah wants to bring that out. There are certain numbers of people in this province who for educational purposes for example are treated as separate from the rest. That was your point, Mr. Rajah?

Mr. Rajah: Exactly.

The Chairman: That does not solve the difficulty, but it shows that the difficulty is there.

284. *Babu Lakshmidhar Mahanti*: Would you tell me if you are aware that suitable persons are not yet available for these posts?—The posts in the Education department?

285. Yes.—I am afraid I do not know.

286. *Babu Chandreshvar Prashad*: The Chairman was talking to you about the qualifications of voters in the beginning. On page 98 (memorandum of the Bihar and Orissa Government*) we see that while the qualification for proprietors is an assessment to local cess of Rs. 12 or more a year, in the case of tenants it is much less. Why was this distinction made?—You mean to say the ryots. The reason is this. When you find a proprietor assessed to a local cess of Rs. 12 you must remember that he does not pay it all himself. He pays some of it and collects other parts of it from his tenants. That is the reason. The standard was chosen to agree as closely as circumstances permit with those adopted for tenure holders and ryots.

287. The proprietors and ryots pay half and half. If one anna is to be paid in a rupee each of them pays two pice?—That is so, if there is a ryot and proprietor on the same piece of land.

288. In that case the qualification for the proprietor should be just double and not more?—Not necessarily. I mean there are many complications, because he gets a rebate for his land revenue. The proprietor gets a rebate on what he pays on account of his land revenue. If he collects the rent of say a thousand rupees and pays two hundred rupees in land revenue—we will take that case—he pays the road cess on Rs. 800 and not on Rs. 1,000, but he collects through his ryots on Rs. 1,000.

289. At the same time do you know if some of the proprietors are paying cess for lands that are not cultivated?—That adds a further complication and makes it impossible to say whether it is exactly half and half.

290. They are paying even for the lands that are not being cultivated or for the present are not useful to them?—I do not recollect any case of cess being imposed on waste lands as far as my knowledge as a revenue officer comes in.

291. So, in any way you find that there is a lot of difficulty in keeping the cess on revenue as the qualification for enabling a man to vote?—It is not an easy qualification at all.

292. Do you think that if area or acreage of land were taken as the qualification for a man to be a voter that would simplify matters?—Area would certainly simplify it as a basis. But I am not sure—I rather doubt—whether it would be as equitable.

* Vol. XII.

293. On what grounds do you suppose it would not be equitable ?—Because of the variation of the value of land. One man might own 100 acres of very poor land against a 100 acres of very good land. There would also be, further, no kind of connection between the qualification for a vote and the stake he has in the country, or rather the amount he pays to the general public purse.

294. At the same time, perhaps you are aware that even for lands of similar quality in south Bihar and in North Bihar, rents or revenue payable differ quite a lot ?—That is so, but that is adjusted by making the qualification for ryot differ in different districts, according to whether they are highly rented or very lowly rented.

295. Would you agree if I told you that in south Bihar where the *bhali* system is in vogue a ryot paying Rs. 60 might possess not more than 4 or 5 acres of land, while in north Bihar, one paying Rs. 48 might be possessing as you have said about 15 acres of land ?—That is so, certainly. The 15 acres that I mentioned was an average figure.

296. I think Mr. Hartshorn enquired from you why it was that the European constituency which is much bigger than the landholders' constituency returns only one, while the landholders' constituency containing a less number of voters returns about five. Do you agree that the Europeans in the constituency include every European irrespective of whether he is paying any tax or revenue to the provincial coffers ?—That is not correct. He is bound to be qualified for a general constituency. He either has to pay Rs. 3 a year to the municipality or has to be a ryot or tenure holder according to the qualifications given on page 98.*

297. *The Chairman*: Or, they are assessed to income-tax or are ex-soldiers of the regular force ?—That would be so, sir. I am merely putting it briefly.

298. *Babu Chandreshvar Prashad*: Therefore they are voters in general constituencies as well ?—No. They have to have the qualifications for the general constituency.

299. Are you sure that they are not voters in the general constituency, I mean specially rural constituency ?—I certainly have never contemplated myself voting in a general constituency. I am under the impression that they are not voters in the general constituency.

The Chairman: May I read the rule. * * * It is rule 3—non-Muhammadan and Muhammadan constituencies, and so on, and their qualifications. The sentence reads: "Provided no Muhammadan "or European shall be qualified as an elector for "a non-Muhammadan constituency." The qualification for a European constituency is this. "A "person shall be qualified as an elector for the "European constituency who is a European and "has a place of residence in the province of Bihar "and Orissa, and has any of the qualifications pre-"scribed for an elector of any urban or rural "constituency."

300. *Babu Chandreshvar Prashad*: Thank you, sir. (To the Witness): Can you give me any idea as to the percentage of revenue—it may be income-tax or any other tax—the percentage of that sort of tax the Europeans pay, to the province ?—Of what the Europeans contribute by way of income-tax and so on ?

301. Yes ?—I am afraid I could not give off-hand any figure which will be valuable.

302. But I believe you can give me some idea as to the percentage contributed by the landholders, the proprietors ?—The big landholders ?

303. Yes ?—I am afraid I could not give it you.

304. *The Chairman*: Will it be difficult to answer the question after looking at the figures ?—I think it will be very difficult to find it out, sir, without consulting all Collectors in the province.

305. I should think, although we do not want the answer exactly, that the answer to the question is of good deal of importance ?—I did not in the least indicate that it was not. My difficulty is I do not think I can get the figures very quickly. We can get them if the Conference likes.

306. Though I know you are very willing we do not want to give an unreasonable task to anybody, but if the approximate figures could be had as the result of an enquiry it would be useful to know. If you find that the figures cannot be had without an extremely elaborate enquiry not justified by the result please let us know, but if you find that it could be done without that perhaps you would let the figures be sent to our secretariat.—Yes.*

307. *Babu Chandreshvar Prashad*: Can you tell me taking into consideration the total number of Europeans and the number of Europeans recorded as voters what would be the percentage of people who are recorded as voters ?—I beg your pardon. I am afraid I did not quite catch your question.

308. You told me that all Europeans are not recorded as voters, but only those who pay some sort of tax are recorded as voters ?—That is so, yes.

309. Can you tell me what would be the percentage of these people who are recorded as voters to the total number of Europeans in general ?—In Bihar and Orissa ?

310. *The Chairman*: Yes. Adult males ?—I should think nearly every one is so qualified. Nearly every adult male European is qualified as a voter.

311. *Babu Chandreshvar Prashad*: So far as the special constituency of landholders is concerned, for those few who come under this qualification, you know that the qualification is that they should be paying about Rs. 4,000 as revenue ?—Yes.

312. And there are some people who are recorded as voters in general constituencies. Between these two do you think there is a class which is rather left unenfranchised ?—I should not think so myself. I have never investigated the question. You mean to say that immediately below the 389 who are qualified for the landholders' constituency there are some people who are not qualified for the general constituency ?

313. Who have not been enfranchised ? Somehow they have escaped.—I do not see how they could escape. The mesh of the net is close.

APPENDIX A.

(*See* Q. 252, p. 274)

I was desired in the course of my examination on the 13th December, 1928, to supply to the secretariat of the Indian Statutory Commission the figures for the total population of the five highest castes and for the percentage of their representation in the Legislative Council. I give these below. They relate to British territory included in the province of Bihar and Orissa and the figures for population are expressed in thousands.

Babhans	..	979
Baidyas	..	7
Brahmans	..	1,759
Kayasths and Karans	..	455
Rajputs	..	1,243
Total	..	4,443

out of 34,002 or very nearly 13 per cent.

Members of these castes, who are elected Members of the Legislative Council, form 65 per cent. of the whole body of elected Members. They form 90 per cent. of the whole body of elected Hindu members.

J. A. HUBBACK,
Special Officer, Reforms.

Dated Patna, the 19th December, 1928.

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* Vol. XII.

* Appendix B, p. 286

Afternoon.

Mr. HUBBACK—*continued.*

1. *Babu Chandreshvar Prashad*: As I am asking you, Mr. Hubback, I would like to know from you what is the area over which the proprietary right of zamindars exist ?

The Chairman: I do not follow the question.

2. *Babu Chandreshvar Prashad*: I want to know, sir, the area of land in this province that belongs to the class of people described in the memorandum as proprietors; in other words, how much of the area of the province is owned by private owners and how much of it is owned by Government ?—I think I could answer it roughly. I should say that the Government-owned land in the province at present probably does not exceed 5 per cent. of the total area of the province; I doubt whether it is as much as that. The rest is all owned by proprietors, either permanently or temporarily settled.

3. What would be the area that is possessed by the people of this special constituency ?—I am afraid I could not give you anything like an accurate figure on that at a moment's notice.

4. *The Chairman*: I think that can be estimated ?—It can be fairly estimated. I will make a note of it, sir.*

* * * * * * * * *

8. *Babu Chandreshvar Prashad*: Referring back to page 100 of the memorandum† you will find that Bihar planters have got 1 representative with their voting strength at 50 and mining interests have 2 representatives with their voting strength at 196. Comparing the representation of landholders with these two representations would you agree that it would not seem out of proportion ?—I do not think it is out of proportion considering all the points. I would not take purely the numerical number of voters; other considerations have to be taken into account.

9. *Mr. Hartshorn*: Would you mind telling us how these figures are arrived at ? Take, for instance, mining. We were told this morning that there are two Associations, one European and one Indian, and that the total number of electors on the roll is 196. Are these the representatives of 196 separate companies, or what are they ?—196 is the total number of the members of the Association and Federation, and, as far as I recollect, these members represent registered companies.

10. Each member of the Association would be the representative of a separate company ?—That, I think, is correct.

11. *Babu Chandreshvar Prashad*: Probably you will agree that the landholders who pay Rs. 4,000 as revenue are supposed to be big landlords and that one single individual voter is practically representing the whole estate ?—He is representing his personal interest in his estate.

12. *The Raja Bahadur of Amawan*: Do you think that he represents only the interests of the big landholders or is expected to represent the interests of landholders in general, including small and big ?—I have always understood that he represented the interests of the big landholders who had elected him.

13. And smaller landholders, you think, are represented by the general constituencies, where they are in awful minorities ?—Yes.

14. *Babu Chandreshvar Prashad*: There are about 800 ryot voters in non-Muhammadan rural constituencies while there are 60 proprietary voters per thousand ?—Yes; I think you are referring to page 102.†

15. With that representation per thousand, do you or do you not think that their interests would be sufficiently represented or that their vote will in any way be sufficiently weighty in the selection of the candidates ?—I am afraid I do not follow you.

16. Would the candidates care for that small number of voters if election propaganda were on the basis of the questions affecting landlords and tenants ?—I think it is clear from the figures that if there was a very clear cut issue between the ryots' interests and the small landholders' interests it would be very difficult for the small landholder to get in.

17. You have said that the swaraj party in the council is the largest group ?—Yes.

18. And that this party was more or less absorbed by the tenants' party of the former council ?—No, the swaraj party absorbed the tenants' party ?

19. Do you know that the candidates belonging to the swaraj party were not returned on the strength of the creed they were preaching but that they were returned on the strength of the tenancy questions and the pledges they were giving to safeguard the tenancy rights and also caste feelings ?—I should say that in some constituencies there was certainly a strong element of the ryot ticket and not the swaraj ticket. That is brought out, I think, at the foot of page 119†.

20. Do you think that that tendency is growing ?—I should not like to prophesy.

21. If this tendency goes on for some time and if either small landholders or big landholders stand for a general constituency, do you think that they can be expected to be returned ?—Not unless they make peace with their ryots.

22. I would refer you to page 142†. A question was put to you about party formations in the council. I think you will agree that the presence of the official *bloc* stands in the way of the formation of parties on right lines. Even smaller groups of people do look to the official support and thereby, to some extent, disregard the elected group of a greater majority than a minor group of people ?—I do not quite follow you.

23. Perhaps it is supposed that the Government to be more constitutional will have to be run on party lines. Now the question is whether the presence of the official *bloc* has hindered the formation of parties on proper lines or not ?—I should say it certainly has hindered the formation of parties.

24. *The Chairman*: Would you mind telling me why ?—Because there is a tendency always to rely on the official *bloc*. For instance, on certain subjects they vote against Government simply because they are quite sure that the official *bloc* will save them and that they will gain a certain amount of popularity with the people with whom they come in contact by taking a line which is anti-government.

25. What you are referring to is contained on page 142†. You have there summarised the cases in which the 16 votes which are usually counted from the official *bloc* have been critical. And you say, "The budget motions, which were defeated by a "majority of less than sixteen, will therefore be "recounted, in order to show the action, which the "council, as it is at present constituted, might "have imposed upon the Government but for this "aid, *though it is fair to say that in some cases at* "*least members were disinclined to take the unpopular* "*course of supporting Government, when it was fairly* "*clear that their support was not really needed.*" I gather from this passage that you must not draw the confident conclusion that everything else would remain the same if there was no official *bloc*. It might perhaps be said that if one is trying to encourage the growth of a responsible view, a member who cast a vote should be responsible for its consequences; but the presence of the official *bloc* tends to make people vote in a little irresponsible

* Appendix C, pp. 286–8. † Vol. XII.

way ?—Yes, that is the point I was trying to make out.

26. *Babu Chandreshvar Prashad*: I would refer you to page 369* of the memorandum on minority communities * * * wherein you state that "The leading Hindus have shown, on the whole, "no tendency to use their majority to the prejudice "of other communities." In this connection I would only like to ask you if there is any instance in which the majority communtiy has proposed anything against the minority community ?—I do not think they have taken any positive action; I think there are one or two instances of a negative action.

27. The next thing that I wish to point out is that although this council has a majority of Hindu members a Muhammadan president was elected twice with quite a good majority ?—That is certainly correct.

28. I only meant to point out that so far in this province irrespective of the atmosphere that might sometimes be present in the communal areas, in the council at any rate no irresponsible action has ever been taken by the majority community ?—I think, generally speaking, that is a fair statement of the attitude of the council.

29. *Maulvi Saiyid Mubarak Ali Sahib*: I refer you to page 148 of the memorandum*. Will you be good enough to state what are the existing court languages in this province ?—Hindi, which is the main court language, Bengali in one district and part of another and Oriya in the Oriya districts.

30. Will you please tell us what are the languages that are commonly used in the different districts as notified by Government under section 19 of the Indian Registration Act ?—English, Hindi and Hindustani, that is to say Urdu, in the districts of Patna and Tirhut and in part of the Bhagalpur division. The same plus Bengali in the districts of Chota Nagpur, Santal Parganas; English, Oriya, Bengali and Hindustani, that is to say Urdu, in the districts of the Orissa division.

31. Do I understand that Urdu is common in all the divisions of the province ?—Do you mean to say that it is permitted ?

32. Yes ?—It is permitted.

33. Can you very kindly give us the number of documents registered in each of these languages in the three divisions of Bihar and Orissa, Tirhut, Patna and Bhagalpur ?—The total number is 45,500 and the number registered in Urdu is 25,000. That is during the month of July, 1922. That is the particular instance I have got.

34. *The Chairman*: Would you mind just telling me, Mubarak Ali Sahib, what is it directed to ? I rather imagine this matter might have some bearing on the question whether the Muhammadan population receives fair treatment in these matters—the figures of Urdu. Of course that would be an illustration which you may wish to point out. On the other hand, if the question is whether or not it is right or wrong to refuse to allow a particular language to be a court language, I do not think the Conference as a Conference would like to write a report on that and I should think that such a question as that, though a very important one, is rather a provincial question.

Maulvi Saiyid Mubarak Ali Sahib: I wanted to show that although it was a provincial question, it is an important one, and that though it was going to do no harm to anybody still it was turned down by the provincial legislative council.

35. *The Chairman*: Would it be for the legislative council to determine whether it should be a court language or not ?

Maulvi Saiyid Mubarak Ali Sahib: The legislative council can recommend.

36. *The Chairman*: And in fact the legislative council did not so recommend.

Maulvi Saiyid Mubarak Ali Sahib: It did not recommend.

37. *Dr. Suhrawardy*: Is it not that you want to show that the question of Urdu script is not based on communal considerations but that is the common language of both Hindus and Mussalmans and that the statistics show that ? I think that is your point ?

Maulvi Saiyid Mubarak Ali Sahib: Yes, that is my point.

The Chairman: I am sure these linguistic questions are difficult for those of us who have not got a good command of the language to follow. I gather that the point has as much to do with the script as with the spoken word.

38. *Maulvi Saiyid Mubarak Ali Sahib*: Will you please tell us from your experience whether these registered documents are frequently used in the various courts of the province ?—Yes, they are.

39. Is it open to anyone to file any paper written in Urdu script as an exhibit in any courts all over the province ?—I believe so; I am not absolutely certain.

40. Do you remember the phrase that was used by Sir Havilland Le Mesurier in July, 1921, when a resolution on the subject of the introduction of Urdu as an optional court script was discussed, that the language in use (in courts) is to all intents and purposes the same as was current before the promulgation of the orders of 1881 ?—I am afraid I have no recollection of that.

41. Will you very kindly tell us what representation the Muslims of this province enjoyed during the Morley-Minto reforms ?—I cannot say off-hand. I may say that we had 5 seats reserved for us out of the 21 selected seats.

42. *The Chairman*: Are you quite sure about that ? I see from this book that the composition of the council of Bihar and Orissa was as follows:

Ex-officio members, including the Lieutenant-Governor - - -		4
Nominated members, of whom not more than 15 may be officials - -		19
Elected members—		
(1) by municipal commissioners -	5	
(2) by district boards - - -	5	
(3) by landholders - - - -	5	
(4) by Muhammadans - - -	4	
(5) by the mining interest - -	1	
(6) by the planting interest - -	1	
	—	21
Total - - - -		44

Maulvi Saiyid Mubarak Ali Sahib: Out of which there were 21 elected seats.

The Chairman: Of which 4 were elected by the special Muhammadan constitutencies. Of course it may well be that other constituencies might have returned Muhammadan candidates, but there were 4 special constituencies for the Muhammadans.

Maulvi Saiyid Mubarak Ali Sahib: Yes, 4 reserved for Mussalmans.

43. Does it come to this, that the Lucknow Pact did not do much good to the Mussalmans of this province ?—I understand that the figures that the Chairman has just put before us indicate that the proportion of the Mussalmans was slightly under 20 per cent.

44. Could you tell me how many seats were reserved for the Mussalmans of this province in the Imperial Legislative Council during the Morley-Minto reforms ?—I am afraid I cannot say off-hand.

The Chairman: I see that the elected members elected by the Muhammadans of Madras, Bombay, Bengal, the United Provinces and Bihar and Orissa are one from each and landholders also one from each of these provinces. The elected members from the provincial legislative councils might or might not be Muhammadans.

45. *Maulvi Saiyid Mubarak Ali Sahib*: I take it that it comes to this, that out of the three seats for Bihar and Orissa one seat was reserved for the

* Vol. XII.

Mussalmans in the Imperial Legislative Council ?—I think that is right.

46. Under the Lucknow Pact the Mussalmans have been given a representation in the Legislative Assembly to the extent of 25 per cent. ?—I think the present figures are 8 non-Muhammadans, 3 Muhammadans and one landholder, and that is exactly 25 per cent.

47. Am I to understand that the Lucknow Pact reduced the proportion of representation that was enjoyed by the Mussalmans of this province in the Imperial Legislative Council ?—The figures would point to that.

48. Would you kindly tell me the percentage of the Muslim voters and the non-Muslim voters in the whole of this province ? Take Chota Nagpur for instance ?—You want the number of Muhammadan voters as against the total number of other voters in all kinds of elections ?

Maulvi Saiyid Mubarak Ali Sahib : Yes.

49. *The Chairman* : Page 101* of the memorandum gives the number of registered electors as 374,812 ?—On pages 107--108 we find that there are about 40,000 Muhammadan electors, 29,216 rurals and 11,578 urbans.

50. I take it that nearly comes to 10 per cent. ?—It is slightly nearer to 11 per cent. than 10 per cent.

* * * * * * * * *

53. *Maulvi Saiyid Mubarak Ali Sahib* : What is the percentage of votes which he should secure ?—One-eighth.

54. Do you agree that if joint electorates were introduced the Muhammadans would stand a very great chance of forfeiting their security if the Hindus, as has been the case in the district board elections combine to vote against the Mussalmans ?—I certainly think so.

55. Would you kindly tell me what is the voting strength of the Mussalmans in Orissa and Chota Nagpur divisions ?—I could not get the figures from this book. I should have to get them from the rolls.

Maulvi Saiyid Mubarak Ali Sahib : I may say that it is 3 per cent. I take it that there would be a greater chance for the Mussalmans offering themselves for election from these two divisions to forfeit their security ?

The Chairman : I should be prepared to draw that inference from those figures.

Maulvi Saiyid Mubarak Ali Sahib : Would you very kindly tell me the size of the two of the Mussalman constituencies, Chota Nagpur and Orissa ?

The Chairman : If you can state it for us you can do so.

56. *Maulvi Saiyid Mubarak Ali Sahib* : The size of the Chota Nagpur division is 27,000 square miles and that of the other is about 14,000 square miles. Do you think it is possible for any man to keep in touch with such huge constituencies ?—No, I do not.

57. The question of the election of the president has been referred to by my honourable friend. Would you kindly tell me who the gentleman was who opposed the present president during the first election ? I am afraid I cannot give any information on that.

58. Are you aware that during the first election of president the seat was contested by Rai Bahadur Dwaraka Nath ? —Yes, I recollect it.

59. And the second one was contested by Babu Nirsu Narain Singh, a member of the Swaraj party ? —Yes.

60. Do I understand that officials voted for the president who was already working in that capacity ?—Yes.

61. Am I to understand that his election was due to the official and nominated members' votes that he got ?—I think the official votes helped him on the second occasion. I cannot remember if he would not have got in otherwise in the first election.

62. *Mr. Athar Hussain* : In this province, Mr. Hubback, both systems are worked, joint as well as separate electorates as far as Mussalmans are concerned, that is, separate electorate, for the council and joint electorate for the local bodies. You agree that for the Mussalman community of Bihar in this province there should be a separate electorate. Is your view based on the actual working of the two systems in Bihar ?—I expressed it as my personal opinion this morning that there should be separate electorates and that opinion is based very largely on the results of the district board elections.

63. You pointed out this morning that the position of the Mussalmans in 1927 when joint electorates were in force in respect of the local bodies was worse than it was in the year 1923. Have you any reason to hope that things would be better and brighter for the Mussalmans in the coming years ?—I am afraid I must again say that I cannot prophesy; I have reason to hope.

64. Do you find any indication in that direction ? —Frankly I think that in the last year the relations between the communities have improved somewhat.

65. Do you remember whether during the passing of the Local Self-Government Act of 1922 efforts were made by Mussalman members to introduce separate electorates and that there was an assurance given by the Government that the matter could be looked into after the actual working of the Act itself ? Do you remember that it was so ?—That was so.

66. Are you aware that prior to the passing of the Act of 1922 the position of the Mussalmans in municipal and district boards was far superior to and much better than what it is now ?—That is certainly true.

67. Considering the area of the constituencies and other administrative difficulties, do you think it will be feasible to introduce joint electorates with reserved seats in Bihar and Orissa ?—I think it would be extremely difficult.

68. In the special constituencies there are joint electorates, for example, the university and the landholders have joint electorates. There is no separate electorate ?—There is no distinction. The Muhammadans vote with Hindus.

69. Are you aware of any Mussalman having been elected in any of those constituencies ? No Mussalmans have been elected ?—As far as I recollect, that is so.

Mr. Athar Hussain : With respect to certain matters which my friend Sir Hari Singh Gour said about the statement at page 368 of the memorandum on minority communities,* viz., " it is possible to " argue that the separate representation has been a " contributory cause," are you aware of any valid reason in support of that proposition ?

The Chairman : There are really reasons both ways.

70. *Mr. Athar Hussain* : I am rather anxious to get an answer, sir, from Mr. Hubback, because, if a reason is given, I would like to know from Mr. Hubback whether that reason will hold good as far as the present conditions are concerned. (To the Witness). Are you aware of any valid reasons ?—You are referring to the passage : " it is possible to argue that " the separate representation has been a contributory " cause." I am not prepared to argue it myself.

71. I believe, Mr. Hubback, you are aware that in council elections where we have got separate electorates communal bitterness is not so frequent as it is in the election to local bodies where there are joint electorates ?—I am not very well posted on district board elections, I have not had anything to do with their management ; I was on leave during 1927. I am afraid, sir, I am not in a position to answer that.

The Chairman : I must expect you, gentlemen, to remember that we have been hearing a good deal about it in the different provinces we visited. We have to make allowances for the views of those who are in favour of separate electorates and those in favour of joint electorates. What is suggested is that the system of separate electorates has a tendency when election comes near to make the candidate proclaim himself as a strong defender or supporter of his own community, and, to a certain extent, may

* Vol. XII.

even tend to make him speak in strong opposition to another community, and the argument used against it, which after all has to be carefully weighed in dealing with it, seems largely to be that the system even when used where necessary for the purpose of protecting minorities may perhaps tend to keep alive those communal differences. That is the sort of way the argument is put, I think.

Sir Hari Singh Gour: That communal propaganda tends to perpetuate communal differences.

The Chairman: There are arguments which have been used both ways.

Maulvi Saiyid Mubarak Ali Sahib: What I say, sir, is that if you do away with separate electorates, the result considering the present voting strength of the Muslims would be that you would not be able to select the true representatives of the Mussalmans, which will not be the case with Hindus because as both our population and voting strength is ten per cent., we will have to depend on the goodwill and mercy of Hindus to get elected; whereas our voting strength being so low they will not care a straw for our votes. So, you will certainly be closing the door to the true representatives of the Mussalmans, whereas you cannot do so against the rabid Hindus.

The Chairman: You may be quite sure that nobody in the Conference is shutting his mind to that argument; it has to be very carefully weighed. I was only saying in order to shorten the discussion that after all you must remember the sort of agrument that is used, that, however necessary it may be for the purpose of protecting certain minority interests about which I am saying nothing at all, nevertheless there is a sense in which it perhaps may be thought to encourage and even perpetuate in the political field all these communal differences. I do not say that it is a good or a bad argument, but you know very well that the argument has to be weighed well whether good or bad.

Maulvi Saiyid Mubarak Ali Sahib: So far as this province is concerned, sir, you may be sure that there has been no tendency on the part of the Mussalman members to raise communal questions.

The Chairman: I am very much impressed with the general material which you have been getting for us. We do not raise that question now.

72. *Mr. Athar Hussain*: Mr. Hubback, with reference to the statement at page 369 of the memorandum on minority communities,* viz. "Their "apprehensions perhaps do not find much support "from the proceedings of the council in the past "eight years," do you not think that things will be very different if the official *bloc* is abolished? Will you agree with me that if there had been no attempt to do something very unkind to the minority communities it was because of the official *bloc* co-operating with the Muhammadan members present in the council?—I should rather prefer to say that the presence of the official *bloc* in the council, of whom sometimes I have been a humble member, has smoothed over difficulties between the two communities.

73. Do you think that in this province it will be necessary that Mussalmans should be represented in the provincial Cabinet?—I understand that it has been pressed by the Mussalman Association.

74. Do you think that it will be necessary in any ordered government?—I would not put it as strong as that.

75. *The Chairman*: Has it always been so since the Reforms began?—Since the Reforms began there has been a Muhammadan member of the Government.

76. *Mr. Athar Hussain*: And have you found the Mussalman useful?—I am not in a position to say that. Not having ever been a member of the Government, I cannot possibly say.

77. Would you agree that under any system of responsible Government it would be necessary to grant some effective representation to the Mussalmans in public services?—To guarantee?

78. To provide some safeguards?—Personally I have never seen a scheme by which you could do it.

79. Would you consider it desirable?—Very desirable, certainly, to guarantee that every community has some representation in the services as far as it can be done with due regard to efficiency.

80. *Sir Hari Singh Gour*: That will be a counsel of perfection?—That is my personal opinion.

81. *Mr. Athar Hussain*: With respect to the Urdu script, you must have noticed that when there was no embargo on the Urdu script, large numbers of representations have come to the Registration department in that script?—Apparently they do.

82. Then would you agree that the embargo should be removed from the Urdu script?—I am afraid I am not sufficiently conversant with the Urdu script controversy to be able to contribute anything.

83. *Sir Hari Singh Gour*: You said that it was because of the help of the official *bloc* that the president was elected. Do you think that if the official *bloc* had not voted for him, he would not have got it?—On the last occasion he would not have got it.

84. *Mr. Athar Hussain*: As regards the ministers, there is a Muhammadan minister here?—Yes.

85. Has the majority community ever made an effort to turn him out?—Yes.

86. *Babu Chandreshvar Prashad*: Did they succeed?—No.

87. When was it done?—I think it was sometime in 1927.

88. Was that on account of the official *bloc*?—That he was turned out?

89. That they did not succeed in turning him out?—Yes.

The Chairman: Would you, gentlemen, remember that we are going rather into particular instances. Is it desirable that such a question should be put? One has to be very careful in putting questions about it.

Babu Chandreshvar Prashad: I only wanted to put before you, sir, that the majority community, that is the Hindu party, has never so far tried to turn out the Mussalman minister. That is the only information I wanted to put before you.

The Chairman: We cannot decide an historical incident by discussing it here. But I may say at once that I am alive to the great importance of saying that adequate protection has been given to the minority community. I must say that the general impression in my mind is that in this province there really have been efforts on the part of members of the council to make the Reforms successful. I think it is the broad fact. I am not saying either this way or the other. I think the record here goes to show that members from all sides have co-operated to carry out the work of the council.

90. *The Raja Bahadur of Amawan*: One thing I wanted to be made clear. At the time of the president's election you said that the majority party was opposed to it. Was it on the basis of Swaraj, or non-Swaraj, or the Hindu-Mussalman question?—It was the Swaraj party, I think.

91. *Rai Bahadur S. C. Roy*: I might be permitted to put one or two questions about the domiciled Bengali community. Is it not a fact that the domiciled Bengali community have important interests in the province?—Their community is of considerable importance in the province.

92. You say at page 126* that "there were ten "Bengalis returned in 1920, and only four in 1926"?—Yes.

93. Would you not attribute that to communal feelings, that Bengalis being a minority stand no chance of election?—I think the cry that "Bihar for "the Bihari" has increased in strength in the interval.

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* Vol. XII.

Mr. P. C. TALLENTS, I.C.S., Finance Secretary to the Government of Bihar and Orissa.

95. *The Chairman*: Mr. P. C. Tallents, you are the Finance Secretary to the Government of Bihar and Orissa?—Yes, sir.

96. Now, the Conference has asked me to put a few questions in order that we may get from you the clearest account of what the financial position of the province is, and I have been preparing for it with Mr. Rama Rau's help. So, perhaps we may follow the course which has been mapped out. The year in which the province of Bihar and Orissa was separated from Bengal was 1912, was it not?—Yes, sir. April 1st, 1912.

97. And when the separation took place, was it necessary for some financial settlement to be arrived at between the Government of India and the newly created province?—Yes, sir.

98. Was that financial settlement based on a view of the actual expenditure and revenue in this area during preceding years?—Yes, sir, it was.

99. I have been furnished by Mr. Rama Rau with a rather fuller statement than is found on page 32 (Bihar and Orissa Government memorandum)* as to the basis of that arrangement. May I just read it and see whether you think it is right: "Under this "settlement Bihar and Orissa got one-half of the land "revenue, one-half of stamps and the assessed taxes, "three-fourths of the excise and the whole of the "revenue from forests and registration"?—I think that is correct.

100. It is well known that most of the land in the province of Bihar and Orissa is permanently settled?—Yes, sir, except in Orissa.

101. Except in Orissa which is open to reassessment?—Yes, and certain Government estates in the rest of the province.

102. Broadly speaking, the province that was newly carved out would be a province in which a permanent settlement had already been affected?—Yes, sir.

103. You have not therefore got the same opportunity for expanding revenue under the head of land?—That is so.

104. Then, I see on page 33* of the Bihar and Orissa Government memorandum, at the bottom, that the new province was started with an opening balance of 125 lakhs of rupees, 85 of which represented the estimated cost of the initial expenditure of starting the province under the new administration?—Yes.

105. Can you tell me this, Mr. Tallents? After the new province started in 1912 was the growth of revenue in this province rapid?—As compared with other provinces it was very slow. The statistics given in the Meston Committee's report show that the rate of growth of revenue in this province was considerably slower than in any other.

106. Yes. Now, I think all the members of the Conference have got this book. In fact it is a Government of India document marked India—655. On page 833† I see that between 1912 and 1920 the increase of revenue in Bihar and Orissa was only 11·2 per cent., whereas in Bombay the increase between those years was 52 per cent.; in the Central Provinces it was 33 per cent.; in the Punjab it was 35 per cent.; and if you take the whole of India the average increase was 30 per cent. So, it looks, Mr. Tallents, that it is rather important to remember that starting off in 1912, and taking the first period, say, down to the beginning of the Montford reforms, the fact is that this province had a smaller growth of revenue than any other province in India?—That is so.

107. Would that be partly due to the fact that the land here was permanently settled?—Yes, it would. The general standard of revenue and expenditure in Bengal in the pre-Reform days, before this province was created, was the lowest in India, and, when this province was separated from Bengal, the standard of this province became the lowest in India. That was undoubtedly due to the fact that the land revenue, which was permanently settled, was very low.

Sir Hari Singh Gour: There is also the lack of revenue from minerals.

108. *The Chairman*: Yes, the lack of revenue from the minerals in the province is the second reason, but I do not think it is worth mentioning now. The increase in this province under land revenue between 1912 and 1921 was only 4½ per cent. as against an average increase of 21 per cent. of the whole of India. The Meston Committee noticed that. On page 34 (Bihar and Orissa Government memorandum*) there is a quotation which says that the Meston Committee recommended that "The province of Bihar and "Orissa being quite the poorest in India should be "excused any contributions," and so on. It is in paragraph 18 of the report of the Meston Committee. They say: "In Bihar and Orissa the local Govern-"ment is quite the poorest in India, and very special "skill will be required in developing its resources. "Heavy initial expenditure lies in front of what is "still a new province; and there is a wholly abnormal "want of elasticity about its revenues. We cannot "advise that any share of the deficit should be taken "from Bihar and Orissa in 1921–22; and we expect "that the province will be sufficiently burdened by "having to work up to its standard ratio of con-"tribution in the same period as the rest of India." Well, in fact under the Meston Committee's recommendations there was no contribution to begin with, so far as this province is concerned? Has the province ever made a contribution?—No, sir.

109. And of course as we know the contributions have now ceased?—Yes.

110. Now, I think we had better come on to the increased spending power. We understand that the Meston Committee proceeded somewhat on this sort of basis. They compared the previous expenditure of the province with the spending power which the province would have under the new financial arrangements which they recommended, and deducting one from the other they got the figure called the increased spending power?—Yes.

111. You remember what was the increased spending power calculated by the Meston Committee for Bihar and Orissa?—Rs. 51 lakhs a year.

112. Was that in fact what I may call free money available to be spent on new enterprises or was it really in effect earmarked for impending expenditure?—It was not the intention that it should be earmarked, but actually it and a good deal more was at once absorbed by the increase in pay of government servants in this province.

113. Heavy increase in salaries?—It amounted to Rs. 60 lakhs a year.

114. Of course there was a rise in prices and that salaries had to be increased was only natural. You say that came to?—Approximately Rs. 60 lakhs a year.

115. The figure we have got is Rs. 58 lakhs.—There were certain additions since that.

116. Anyhow it was more than Rs. 51 lahks?—Yes, considerably more.

117. If I have followed you, the effect of that—it is very striking—is that when you started on a new career under the Meston arrangements you did not really have the revenue which was sufficient to meet your new expenditure but you would have a shortage apparently of some 7 or 10 lakhs?—Yes; we were saved by the increase in the excise revenue.

118. But taking the figures as they are, Rs. 51 lakhs was put down as your increased spending power, and at the same time we find there was an increase of Rs. 60 lakhs in salaries. The result

* Vol. XII. † Vol. V.

seems to be that you were not better off but worse off ?—Yes.

119. How did the province after starting this Meston scheme meet this ? What did it do ?—It very soon became obvious that increased taxation would have to be raised, and in August, 1922, the court fees were raised, the water rates were raised in the Son canals, and the registration fees were raised. The figures are given in the memorandum. The figures showing increase of revenue begin at page 37 (Bihar and Orissa Government memorandum.)*

120. I think I can summarise like this. In order to meet that situation of normal expenditure being greater than your resources you had additional taxes which took the shape of increase of stamp duties ?—Court fees.

121. Yes, increase of registration fees, increase of water rates and increase of the excise duty on liquor ? —I do not think the excise duty was raised for revenue purposes. The policy of the Government has always been to keep that as high as possible.

122. That was part of a general policy ?—Yes.

123. Anyhow, it is a tax ?—Yes.

124. Now take the water rate. Have you got the figure anywhere which shows what the increase was ?—I cannot give the increase in rates off-hand. The results are shown at page 38 (Bihar and Orissa Government memorandum*).

125. Yes, at the bottom of page 38* there are figures showing irrigation revenue.—Yes.

126. And what was the result, Mr. Tallents ? You must have had a difficult time. When was it that your estimates showed that you were reaching a balance ?—I was not here then.

127. What I am told is that by that additional taxation the province was able to avoid a revenue deficit until 1926–27, and that that was the first year in which the accounts showed an excess of expenditure over revenue of as much as Rs. 31 lakhs. I have also got this, that the revised estimates for 1927–28 and the budget estimates for 1928–29 showed deficits of Rs. 29 lakhs and Rs. 14 lakhs respectively ? —Yes.

128. That is rather a serious situation. There seems to be one more thing. You started with an opening balance ?—Yes.

129. A very good thing to have a balance at the bank when you were spending more money than you could raise, but it has a tendency to get reduced ! How is your balance now ?—Our ordinary balance is approximately 75 lakhs. We have reduced our balance to that point.

130. Of course for the development of nation-building services, manifestly there would be a heavy claim which everybody would like to meet if they could ?—Certainly.

131. One or two questions about receipts. Is there anywhere in any of the books anything which will show the principal heads of receipts in this province ?—The principal heads are land-revenue, excise and stamps, which account for about four-fifths of the revenue. The figures for land revenue and excise are given on page 37,* while figures for stamps are given on page 38.*

132. Let me read the figures which strike me as rather interesting. This is what I have been given. I have been given the principal heads of revenue from the budget statement of 1928–29 of this province :—

Land revenue -	172 lakhs, which is 30 per cent. of the whole ;
Excise - -	196 lakhs, which is 34 per cent. of the whole (this is most surprising) ;
Stamps - -	109 lakhs, which is 19 per cent. ;
Forests - -	10 lakhs, making 2 per cent. ;
Registration -	17 lakhs, making 3 per cent. ;
Irrigation -	21 lakhs, which is 4 per cent. ;
Miscellaneous Items - -	49 lakhs, which is 8 per cent.

The total revenue being 574 lakhs.

* Vol. XII.

The first thing that strikes me, I think, when one looks at that is that the excise revenue is bigger than the land revenue ?—Yes.

133. I gather that the policy which is followed here as regards excise is to keep the figure as high as would produce the maximum revenue without unduly encouraging illicit practices ?—Yes, the combination of maximum revenue and minimum consumption is what the local Government aims at.

134. This province is very rich in minerals ?—Yes.

135. Produces, I believe, 70 per cent. of the coal and mica and 90 per cent. of the iron-ore of India ? —Yes.

136. The fact which strikes one as interesting in this connection is that most of the companies which operate the mines have their registered offices either in Calcutta or in Bombay ?—Yes.

137. So I suppose we may take it that if ever the day came when provinces had a greater interest in the income-tax this province would not think it right to treat all that income-tax as debitable either to Calcutta or to Bombay ?—That is a point that this local Government is always pressing when it gets the chance.

138. I have got some figures (I am not sure whether they are in any book that you have got; they are given to me by Mr. Rama Rau) which are useful. They are the figures of the income-tax and super-tax as actually collected in the different provinces of India. I do not think they are in your books ?—I think not.

139. *The Chairman* : I think it would be useful to read them, gentlemen. These are the figures :—

In Bihar and Orissa, 57 lakhs of income-tax are collected ;
In Madras, 133 lakhs ;
In Bengal, 569 lakhs ;
In Bombay, 322 lakhs ;
In the United Provinces, 74 lakhs ;
In the Punjab, 69 lakhs ;
In Burma, 207 lakhs ;
In the Central Provinces, 39 lakhs ;
In Assam, 21 lakhs.

The total for India, including the North-West Frontier Province, Delhi, etc., is 1,605 lakhs. These, I gather, are the figures of income-tax and super-tax together for the year 1926–27.

The Witness : My recollection is that the last figure was 38 or 39 lakhs in this province *plus* 4¼ lakhs super-tax. The figure varies from year to year, due, I understand, to one big assessee in this province being irregular in his payments.

140. In the case of very big taxpayers it makes a great difference. Anyhow, it does seem clearly to show that there is an enormous difference between the place where tax is collected and the place where it appears to have been earned as far as Bihar and Orissa is concerned ?—Certainly.

141. What was done under Devolution Rule 15, the rule which provides that the provinces may have a certain part of the increased assessment ? Have you made any special arrangement to treat Bihar and Orissa fairly ?—A private arrangement was made between this Government and the Government of Bengal whereby in the case of companies assessed for the first time after 1920–21 they arranged to do the assessment and to hand over 85 per cent. of the proceeds of the 3 pies rate to us.

142. It is limited to companies operating in this province but registered and paying income-tax in Bengal ?—Yes, sir. For the five years we have received a total of Rs. 18,000, which is practically nothing.

143. Still it seems to be a recognition of the fact that there must be some adjustment for the purpose of attributing to each company its business home ?—Yes.

Lord Burnham : What is called recognition in principle.

144. *Major Attlee* : What about Tata's ? Has not any similar arrangement been made with the Bombay Government ?—We get nothing in respect of Tata's.

145. *The Chairman*: We had an impression that there was some arrangement?—I consulted the previous Finance Secretary and I sent a telegram to the Income-tax commissioner to make sure; he says that we get nothing from the Bombay Government.

146. We must distinguish between two things: One is the readjustment which is arranged by a sort of treaty between one province and another, and the other is the concrete results in pounds, shillings and pence. Between you and Bengal there is an arrangement by which you get 85 per cent. of the assessments which in fact are made in Bengal, because the registered companies operating here are treated as belonging to you rather than to them?—Yes.

147. *The Chairman*: It will be interesting to our colleagues in this province to know a rather curious proposal which we heard somewhere else that each province might have half the income-tax collected within the province. If this proposal were accepted, it would not give this province what it would be entitled to, although from an industrial point of view manifestly it is one of the most important provinces in India.

I do not wish to express any view in the matter at present; besides we are waiting for further help from Mr. Layton, but one thing that strikes me about this thing is this, I think, that land revenue here has increased very little owing to the permanent settlement. Land revenue in 1912–13 was 157 lakhs, while in 1926–27 it was 169 lakhs; in the budget estimates for 1928–29 it is put down as 172 lakhs; it is very, very small.

The Witness: May I say as regards that last figure that it has been inflated to the extent of over one lakh by a change in accounting, by which certain items which used to be taken in reduction of charge on the expenditure side of the budget have been transferred as receipts to the revenue side of the budget; that is not really an increase at all.

148. *The Chairman*: Leave that out. It has risen from 157 to 169; it is not much. In the same period the prices, I should think, have risen a great deal more than that?—Yes.

149. It seems to show that permanent settlement is good for somebody.—It is not good for the local Government.

150. Tell me this, Mr. Tallents. What about irrigation? During the last 15 years has there been irrigation work carried out with great capital cost which is bringing more productivity to the land here than before?—The only large canal which has been constructed in recent years is the Tribeni canal in Champaran district. It is run at a loss to Government; it is a constant source of expenditure; it is breached every year.

151. Breached every year?—Yes; breaches occur because it is constructed across the drainage of the country in the front of the foothills of the Himalayas.

152. Owing to the water coming down?—Yes; there were 75 breaches in the canal in one year.

153. If I follow rightly, if you have irrigation works established in an area which is permanently settled, you no doubt charge for the water, but it will not affect the land revenue because the land is permanently settled?—That is so, sir.

154. *Sir Hari Singh Gour*: What is the loss incurred by Government on the Tribeni canal owing to these constant breaches?—Our net loss, I think, has been something like Rs. 55 lakhs on the Orissa canals and Rs. 17 lakhs on the Tribeni canal.

155. *The Chairman*: The only other figures which I would trouble the Conference with are these. We have been given in one or two places in India comparative figures which show the sort of scale or standard of expenditure on various important nation-building heads. I have got these two sets of figures in front of me. First of all take elementary and secondary education. I have got some figures here which Mr. Rama Rau has collected showing the expenditure from public funds in the year 1925–26 per million inhabitants in the different provinces on elementary and secondary education. It is in lakhs of rupees.

Bihar and Orissa	1·4
Madras	3·4
Bombay	9·6
Bengal	1·3
United Provinces	2·8
Punjab	4·4
Burma	3·6
Central Provinces	3·1
Assam	2·2

The expenditure per million of the inhabitants of this province on elementary and secondary education comes to one-seventh of that in Bombay. The total expenditure in this province in 1925–26 on primary and secondary education was 47 lakhs; that is for a province which has a population of 34 millions. I will take Madras. The expenditure was 144 lakhs and its population is 42·3 millions. If you take Bombay the expenditure is 186 lakhs and the population 19·35 millions.

There is one other set of figures. This time it is medical relief. The figures put down by Mr. Rama Rau are these:

	Number of beds available in public and private-aided hospitals per million of the population.
Bihar and Orissa	97
Madras	183
Bombay	332
Bengal	120
United Provinces	125
Punjab	280
Burma	418
Central Provinces	125
Assam	132

There again the expenditure is lower than in any other province in India except the United Provinces and Assam. Generally I thought it might be convenient if we had those figures in a tabular form.

Have we brought out by this means, Mr. Tallents, some of the main features of the financial problem here?—I think so. The outstanding features are first the increase of excise revenue which has now ceased. This year's revenue is five lakhs less than last year's and next year it is expected it may go down by another two lakhs. That means that that source of revenue has ceased to expand. The local Government has got very little hope of expanding any of its important nation-building activities. We have now reached a stage at which the incurring of further recurring expenditure has practically come to an end. Next year I do not see how the local Government can commit itself to any fresh recurring expenditure. We have nothing to look forward to except perhaps an increase under stamps, which is slightly growing, and registration, which is a much smaller source of revenue. We are absolutely stuck at the moment.

156. *Major Attlee*: Could you state to us what are the areas in this province which are distinctly deficit areas?—The part which carries the other areas financially is Bihar.

157. Is the Chota Nagpur area heavily deficit?—Yes, it is a deficit area.

158. Can you give us the expenditure, let us say on education, in these three areas? Have you any detailed figures at all?—I am afraid I cannot give them. I can probably get them. The accounts are not maintained on a local basis nowadays but on a departmental basis. But the figures could be compiled.

159. *Sir Arthur Froom*: About canals you said you had a loss. How much was it?—55 lakhs since the reforms.

160. Those are the canals that were left as a legacy to you?—Yes.

161. Have you constructed any canals after the province became a separate province?—No.

162. And those canals that were left to you as a legacy do not pay?—The figures I gave relate only

to the Orissa canals. The losses on the Orissa canals are approximately balanced by the profit on the Son canals. On the other two of the four main canals we have been losing.

163. The chief loss is on the Orissa canals ?—Yes.

164. And they are as a legacy to you ?—Yes.

165. Does the loss include the interest on capital charges ?—Yes.

166. Do those canals form in any way an insurance against famine ?—That is a difficult question to answer. Recently the local Government appointed a committee to consider the floods in Orissa and one of the recommendations of that committee is that a certain number of embankments and presumably also of the canals should be removed.

167. The point I wish to put is this. Some of the canals in Bombay for instance do not pay. But if you look at them as a sort of insurance against a bad famine year they are not such a bad proposition ? —I am afraid it is difficult to answer that question.

168. Can you tell me what is the net loss ?—On the four principal canals the net loss is nearly Rs. 19 lakhs in seven years.

169. *The Chairman*: I have not quite followed it. I have figures here directly extracted from the budget estimates for 1928–29 in which it was estimated that irrigation net receipts had produced Rs. 21 lakhs. Do these losses that you speak of go to a capital account as distinguished from direct charges ? * * * —I see how that figure was arrived at. It is the total of two items on the revenue side of the budget. A large part of the expenditure on the canals is taken as a deduction from one of these items. But on the expenditure side of the budget there are heads which show other expenditure on irrigation, including the interest. It is a most complicated system of budgeting.

The Chairman: Public finance in all countries is a mystery.

170. *Lord Burnham*: In regard to the finance of irrigation I am afraid I cannot agree with the last remark of the Chairman that there is always a mystery about public finance because it seems to be perfectly clear from page 203 and the following pages in this memorandum.* I will take the Orissa canal system first. It is stated: " The Orissa canal " system was constructed in 1868 when irrigation " experience in India was mainly confined to Madras " —and therefore I suppose to that extent is old-fashioned in some of its features. " That experience " pointed to the vast possibilities of bringing pros- " perity to agriculturists while increasing the revenues " of the State at comparatively small cost. The fact " that Orissa ordinarily enjoys a bountiful rainfall " was obscured by the great calamity of a drought " famine in 1866, while the expenses which the re- " curring floods would add to ordinary upkeep both " on account of repairs to embankments and of silt " clearance were greatly under-estimated." I think that they had a committee appointed to enquire into the question and it has made certain recommendations. Then it is added at the end: " But the " main questions of removing large private embank- " ments and of providing escapes in the public " embankments along the rivers have been left open." It seems at first sight to account for a good deal of what has occurred in the way of useless expense in depreciation and I find also that there is a great disinclination on the part of the council to authorise increased payments such as would put put this system on a profitable footing. I see you state on page 205*: " None of those who voted for the resolution seem " to have realised that, failing the patrons of the " Son canals, some other body of the public that " pays taxes or utilises services would have to meet " those deficits. The users of the Son canals even " now pay only 4 per cent. of the value of their " crop for water, though in Egypt about 12½ per " cent. is paid and in America 16 per cent." I only say—of course I am not sure—that the users of the canals may have good case for lenient treatment; but it is not difficult to see how the finance of irrigation is not satisfactory under these conditions. Do you agree ?—I do not see how it is possible to increase the water rates in Orissa to any great extent.

Lord Burnham: But in regard to Orissa it is quite clear that repairs have not been made which ought to be made. Is not that so ? Then on page 206* there is the paragraph on legislation in regard to south Bihar canals. I am not criticising it; but it is not difficult to see how the financial situation seems to be so unsatisfactory.

171. *Major Attlee*: Could you tell me whether prior to the separation of Bihar and Orissa from Bengal there was a tendency in those days of union for Bihar and Orissa to come badly off in regard to capital expenditure as compared with Bengal proper ? —Yes. The greater part of the expenditure in Bengal naturally went to Calcutta. We always considered that we were starved in those days.

172. *Sir Hari Singh Gour*: Will you tell me the amount realised by way of court fees since this enhancement ?—The figure for the total stamp revenue is given at page 38. The current year's budget for stamps is one crore and nine lakhs, of which non-judicial is 24½ lakhs and the balance, which is 84¾ lakhs, is from court fees.

173. I would ask you this question. Could you tell me whether the court fees paid for the administration of justice will leave a surplus to be carried over to the general revenues ?—I cannot answer that off-hand.

174. Why ? I thought that was implied in the statement you make here that beyond the figure you now get court fees cannot be explored for purposes of revenue. I interpret it to mean that that was one of the sources of revenue which you were exploiting for the purpose of increasing your general revenues ?—That was one of the three increases made by the local Government in August, 1922. They increased the court fees.

175. What I want to know is what is the surplus revenue that you could get from the enhanced court fees ?—I cannot say that off-hand.

Sir Hari Singh Gour: Will you get the information and send it on to the Chairman ?

The Chairman: Do you think that the figure could be got ? Will you tell me what the enhanced court fee is, and whether the administration of justice pays for itself ?

176. *Sir Hari Singh Gour*: Here it is stated (page 38*) that " Court fee stamps are not a source " of revenue that can be exploited too far." The point that I wish to emphasise is that it is not a source of revenue that can be exploited at all. You cannot ask the public generally to contribute more by way of court fees to enhance your general revenues ?—I will work out the figure, if I can, and explain how it was arrived at. But it would not be a straightforward calculation; for instance, the pay of the magistrates——

Sir Hari Singh Gour: We have nothing to do with that. The court fee is paid only for civil litigation. The other thing comes under Law and Order. You are charging a man court fees for the purpose of giving him civil justice.

The Chairman: You might see whether it is possible to send us the figure. It will be of interest to know what it is. It is undesirable certainly to make the people pay more by way of court fees than the actual requirements warrant. It would be a very good reason for making them pay an enhanced tax for the services they get, but it is not the same thing in regard to court fees.

Lord Burnham: It may discourage litigation.

177. *The Chairman*: There are other heads of litigation besides court fee. We are all very grateful to Mr. Tallents for the interesting evidence that he has been giving. I would like to ask one more question, Mr. Tallents, regarding your proposals

* Vol. XII.

about increasing the revenue?—The local Government have expressed their opinion at different times on certain suggestions that came before them. They have made no definite, systematic proposals on the present occasion because they feel they only see one part of the whole, and the proposals which they make would affect other provinces in a way that they cannot foresee. But there are certain matters on which they have expressed an opinion. One has already been mentioned. They consider that some of the taxation from the minerals of this province should come to them. At present they get very little. That is one method. Last year the Government of India circulated a proposal that non-judicial stamps should be divided and that those of a commercial nature should go to the Government of India, and that in lieu thereof the provinces should get three pies in the rupee of the total assessed personal incomes in the province. That the local Government agreed to. According to the statistics furnished by the Government of India at the time, that would have given us about twelve lakhs and eleven thousand extra a year, which of course would not go very far considering the enormous accumulation of schemes we have already got, which are held up because we cannot finance them, although the local Government thinks them necessary. Another matter regarding which a suggestion came round was the tobacco tax. The local Government expressed themselves in favour of that—that is, an excise on tobacco to be given to the provinces. The main wealth of course of this province is agricultural. That cannot be touched as far as the permanent settlement of the province is concerned. A proposal was considered the other day that it might be possible to impose some kind of tax on agricultural wealth in the form of a succession duty, but the local Government thought that the practical difficulties in collecting such a tax would be insuperable. What they would press for, is some kind of assistance from the mineral wealth of the province. That is one of their principal points, and the other one is some further assistance from the income tax.

178. I would just like to detain you one moment on the question of the mineral income. In this province is it possible to levy royalties on the minerals?—No, sir.

179. In other provinces it is possible?—In the more recently settled provinces royalties are taken by the State. That was because of the declaration of the Secretary of State mentioned at page 386.*

Lord Burnham: It was the dictum of Lord Cranbrook, Secretary of State in 1880. It does not seem to me, however, that this dictum was based on any legal opinion.

180. *The Chairman*: I think the declaration is supposed to have been based on a legal opinion. It seems to be very difficult to get over it. Anyhow, that is the situation that practically matters to-day?—Yes. The expressions used in the Secretary of State's despatch are the words used at page 386.*

181. My view is it is pretty sure that a declaration of that sort would have to remain until the contrary is proved. Have you got the despatch?—No, sir.

The Chairman: I think we might ask you to send us a communication about that. It seems to me to be a very serious point.

Rai Bahadur S. C. Roy: I wanted, sir, just to get one or two figures from the witness. It is about the revenue and expenditure from Chota Nagpur.

182. *The Chairman*: Is it possible to separate the figure?—A very rough figure can be given.

183. What is the figure that you have?—We proceeded to allocate as much revenue and as much expenditure as we could to the different divisions. Certain overhead charges, the secretariat and High Court and so on, we describe as "undistributed," and we allocated that on the basis of population as a rough method of calculation. On the basis of those figures the deficit in respect of the Chota Nagpur division and Santal Parganas taken together is 21 lakhs and seventy-six thousand a year.

184. I have got certain figures with me. Will you please say whether those are correct?

	Revenue.	Expenditure.
Chota Nagpur Division	85,03,000	79,28,000
Santal Parganas - -	18,03,000	15,42,000

—They are right, but they make no allowance for the undistributed charges which I mentioned.

185. By undistributed charges you mean the charges for the capital?—Yes; the High Court, the Governor, the secretariat, and so on.

186. But, as against that, Chota Nagpur and Santal Parganas have also some revenue from court fees and so forth?—There is revenue also which is undistributed.

187. *The Chairman*: You were asked to say how far a particular area is self-supporting, and I understand your method of calculation is this. What you do is to begin by taking both the revenue and expenditure which is definitely traced to that area; then you have to take other heads of revenue and other heads of expenditure which are general, and you must allocate some suitable proportion on some basis. You take in each case the basis of population?—Yes.

188. But all such calculations are open to the criticism that perhaps they might be distributed in rather a different way?—Yes.

189. *Rai Bahadur S. C. Roy*: I may ask one more question, sir. The mineral resources of the province are all in Chota Nagpur?—Generally speaking, yes; that is where the minerals occur.

190. Will you kindly give the undistributed revenue with regard to Chota Nagpur and the Santal Parganas?—Of the undistributed revenue the portion that falls to Chota Nagpur and the Santal Parganas is three lakhs and six thousand. On the expenditure side the share is 33 lakhs and 18 thousand.

191. How do you divide that?—On the basis of population. The population of the Chota Nagpur division and of the Santal Parganas is approximately one-fifth of the population of the British districts. It is a very rough estimate, of course.

The Chairman: Thank you very much, Mr. Tallents.

APPENDIX A.

(*See* Q. 252, p. 274)

I was desired in the course of my examination on the 13th December, 1928, to supply to the secretariat of the Indian Statutory Commission the figures for the total population of the five highest castes and for the percentage of their representation in the Legislative Council. I give these below. They relate to British territory included in the province of Bihar and Orissa and the figures for population are expressed in thousands.

Babhans - - -	979
Baidyas - - -	7
Brahmans - - -	1,759
Kayasths and Karans -	455
Rajputs - - -	1,243
Total - - -	4,443

out of 34,002 or very nearly 13 per cent.

Members of these castes, who are elected members of the Legislative Council, form 65 per cent. of the whole body of elected members. They form 90 per cent. of the whole body of elected Hindu members.

(Sd.) J. A. HUBBACK,
Special Officer, Reforms.

Dated Patna, the
19th December, 1928.

* Vol. XII.

APPENDIX B.

(*Vide* Q. 306, p. 276)

Copy of letter No. 3098A, *dated the* 12*th April*, 1928, *from the Offg. Under-Secretary to the Government of Bihar and Orissa, Appointment Department, to the Assistant Secretary, Indian Statutory Commission.*

In the course of his examination by the Joint Conference at Patna, Mr. J. A. Hubback, officer on special duty, Reforms, was asked by the Chairman of the Indian Statutory Commission to furnish him with information showing the amount of income-tax paid by (1) the Europeans shown on the electoral roll for the European Constituency in the Bihar and Orissa Legislative Council and (2) the landholders shown in the electoral rolls for the five landholders' Constituencies in Bihar and Orissa as well as the total amount of income-tax collected in the province during 1926.

The information for the years 1926–27 has been obtained from the Commissioner of Income-tax, Bihar and Orissa, and a copy of his letter on the subject is enclosed for the information of the Commission.

Copy of letter No. C–4/10 dated the 4th April, 1929, *from the Commissioner of Income-tax, Bihar and Orissa, to the Chief Secretary to the Government of Bihar and Orissa.*

As directed by the Central Board of Revenue, and in response to a request for information by the Officer on Special Duty, Reforms, Government of Bihar and Orissa, I have the honour to supply the following information for the year 1926–27 :—

(1) Amount of income-tax paid by the Europeans shown on the electoral rolls for the European Constituency in the Bihar and Orissa Legislative Council.	Rs. 5,76,572/–
(2) Amount of income-tax paid by the landholders shown in the electoral rolls for the five Landholders' Constituencies.	Rs. 4,61,612/–
(3) Total amount of income-tax collected in Bihar and Orissa.	Rs. 38,70,009/–

B. & O.—O-2.

APPENDIX C.

(*Vide* Q. 4, p. 277)

Letter from Mr. R. E. Russell, I.C.S., Secretary to Government of Bihar and Orissa, Revenue Department, No. 2636/*IV L–6 R., dated Patna, the* 12*th March*, 1929.

The local Government understand that in the course of his examination on the 13th December, 1928, by the Statutory Commission, Mr. J. A. Hubback, I.C.S., was asked to supply the Commission Secretariat with approximate figures showing (*a*) the percentage of land revenue paid by the electors of the landlords' constituencies to the whole land revenue demand and (*b*) the percentage of the whole area of the province of Bihar and Orissa which consists of Government Estates. I am therefore directed to forward for information of the Indian Statutory Commission the two statements noted on the margin.*

2. The first statement includes statistics not only for land revenue, but also for local cess, because in the case of estates which are held revenue-free the electoral qualification is based on cess payments. It is, of course, necessary to remember that this payment both of land revenue and of cess comes from the pocket of the raiyat rather than the landlord.

* 1. Statement showing the land revenue and local cess for all the districts of the province of Bihar and Orissa, except the district of Bhagalpur.

2. Statement showing the area of different classes of estates in each division of the province of Bihar and Orissa.

STATEMENT OF LAND REVENUE AND LOCAL CESS.

Serial No.	Name of districts.	Land Revenue.		Local Cess.		Area.	
		Large Landholders.	District total.	Large Landholders.	District Total.	Large Landholders.	District Total.
1	2	3	4	5	6	7	8
		Rs.	Rs.	Rs.	Rs.	Acres.	Acres.
1	Patna	2,67,672	15,66,305	89,040	6,04,561	1,99,148	13,61,124
2	Gaya	2,95,947/13/3	14,96,029	1,89,074/7/5	10,68,748	5,93,415	30,48,645
3.	Shahabad	5,16,700	18,67,126	1,55,300	5,45,630	7,36,500	27,81,248
4	Muzaffarpur ..	71,518	9,81,809	26,020	4,92,541	1,14,915	19,42,324
5	Darbhanga	2,24,896/1/10	7,84,641	2,44,840/8/1	6,32,616	8,52,044	21,42,848
6	Saran..	3,12,506	12,90,392	1,34,342	4,39,605	5,16,959	17,03,428
7	Champaran	22,385	5,15,683	16,470	3,03,542	60,726	22,63,194
8	Bhagalpur (*c*) ..	1,43,047	6,40,646	1,08,240	5,67,473	3,30,292	27,04,640
9	Santal Parganas ..	27,011/10/4	5,96,456/1/–	19,531/3/8	1,40,833/9/6	3,76,303	34,90,452
10	Purnea	6,25,353	12,16,245	2,68,816	6,39,946	18,11,226	31,98,720
11	Monghyr	1,64,330/4/6	9,90,506	1,22,640/6/–	5,93,211	6,59,012.71	21,94,949
12	Ranchi	14,364	14,364	1,26,430/11/–	1,39,134	49,34,521.6	45,45,280
13	Hazaribagh (*a*) ..	36,880/11/6	1,48,807	96,560/12/6	3,73,541	37,57,081.08	42,55,300.70
14	Palamau (*b*) ..	12,897/14/5	25,304	51,729/5/–	1,20,664	14,81,817.74	24,19,523.42
15	Manbhum	67,800/11/9½	80,952	96,835/10/4	8,35,589	20,18,841.19	26,54,080
16	Singhbhum	4,267	1,93,259	21,437	37,620	12,73,524.83	25,02,121.83
17	Puri	17,675/13/–	7,55,424	1,974/8/8	1,13,362	24,302.92	14,05,868.8
							1,93,920
18	Cuttack	3,93,251	12,38,636	93,373	2,30,199	11,71,287	23,38,560
19	Balasore	1,72,359/8/9	6,70,192/13/6	24,135/6/4/	1,18,212/9/–	21,71,649.98	13,34,400
20	Sambalpur	43,450	3,02,430/1/10	6,736/8/–	25,179/8/–	8,20,866.50	20,06,857
21	Angul	nil.	1,53,758	nil.	nil.	nil.	10,89,280
	Total	33,44,313/9/4½	1,55,28,965/–/4	18,93,527/4/–	80,22,207/10/6	2,39,04,433.55	5,15,76,764

NOTE.—(*a*) HAZARIBAGH.—The revenue, cess and area of Ramgarh Ward's Estate alone, included under large Landholders, are (1) Rs. 22,976/5/–, Rs. 73,988/6/– and 28,65,080 acres. Three estates under management under Encumbered Estates Act are also included under large Landholders.

(*b*) PALAMAU.—Though the name of the proprietor of Chainpur Estate (minor) does not appear in the Electoral roll of 1926, the figures for the estate has been included under Landholders.

(*c*) BHAGALPUR.—The area of large landlords of 5 estates not included as information not available.

STATEMENT SHOWING THE AREA OF DIFFERENT CLASSES OF ESTATES.

Division.	Area held by proprietors on permanent Settlement.	Area held by proprietors on temporary settlement.	Area held as Government Estates.
	Acres.	Acres.	Acres.
Patna	68,27,896.300	1,30,203.19	2,20,838.050
Tirhut	90,89,382.600	33,010.00	8,694.400
Baghalpur	1,07,86,301.786	43,476.19	10,35,785.024
Orissa	11,80,121.600	47,15,042.40	17,77,052.800
Chota Nagpur	1,49,94,539.040	45,203.38	16,14,523.380
Total	4,28,78,241.326	49,66,938.16	46,56,893.654

PATNA.

Dated, 14th December, 1928.

Morning.

PRESENT :

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT SIR ARTHUR FROOM AND MR. KIKABHAI PREMCHAND), AND OF THE BIHAR AND ORISSA PROVINCIAL COMMITTEE.

Mr. W. SWAIN, C.I.E., Inspector-General of Police, Bihar and Orissa.

The Chairman: Mr. Swain, you are Inspector-General of Police in this province, and in the book on the working of the Reforms the Police department is dealt with in chapter VIII, beginning at page 163* and running on for some five or six pages. I will ask Colonel Lane-Fox to put some questions to you on behalf of the Commission.

1. *Colonel Lane-Fox*: We need not go into the organisation, as it is dealt with in this book, which we have all read. I notice on page 163* it is stated that the European recruits are now limited to 50 per cent.; otherwise, of course, it is entirely Indian, except for a small body of men employed as sergeant-majors and sergeants in connection with the training of constables, etc. Are you satisfied, on the whole, with the recruitment you are getting?—European or Indian?

2. Both?—In regard to the Europeans, I am of opinion that the quality of the recruits is not quite so good since the War. Most of the ex-Army officers we got were magnificent. Since then I should say very nearly 50 per cent. of the European recruits had not been up to the pre-war standard.

3. To what do you attribute that?—I think mainly to the fear of what may happen in the near future, the uncertainty of the career. One of the most important points, moreover, is the social question. Every young European now coming to India realises, if he knows anything at all about what he is coming to, that in a few years in the average mofussil station (and by "mofussil" I mean away from divisional and provincial head-quarters), he will be the only European, or perhaps one of two. I think that is also a strong reason.

4. Perhaps we might take up that point again later. What about your Indian recruits?—It is rather too early to say. After all, most of the Indian recruits since the increase of Indianisation have not reached the rank of permanently officiating as superintendent. They have been in minor charges and not in a very responsible position. I am not favourably impressed with such of the senior ones as I know, with perhaps two exceptions. One is obviously going to be a first-class officer. Of the other it is perhaps rather too early to speak, since he has done less than a year now, but he looks like being a sound officer too. It is too early to give a definite opinion in regard to individuals; when they reach positions of responsibility we shall be in a better position to give an opinion.

5. When the position of 50 per cent. Europeans is reached, do you feel the efficiency of the force will be satisfactory? Have you any opinion on that?—I know all the officers intimately, and two of the Indian superintendents now in the force are extremely good and efficient. One, who has just left, was quite up to the average. I cannot tell at present what will happen to these young recruits, but I do not see why they should not rise eventually to the standards of the men now in the force. One of the Indians now in the force is as good as the best Europeans.

6. If it was suggested the European proportion should be reduced, what would you feel about it?—I should hesitate at the present moment. I think we should know more about how our Indians are going to turn out.

7. I see the strength of the police in this province is 14,990?—No, the present strength is given on page 165.* We had to reduce it in order to give the constables more pay.

8. *The Chairman*: I am not quite sure I follow. Would you ascertain for us, Colonel Lane-Fox, what is the kind of number of officers of which the witness was first speaking? There is an Inspector-General and four Deputy Inspectors-General, but how many superintendents, deputy superintendents and assistant superintendents would there be? When you speak of being satisfied with your officers I want to get a general idea of how many there are, European and Indian.—At present we have 48 Europeans and 11 Indians.

9. *Colonel Lane-Fox*: But the proportion of those as between European and Indian will, of course, alter in the next few years?—It is altering every year.

10. Your police budget, I see, remains at about Rs. 81 lakhs, and you say at the bottom of page 165*: "The Bihar and Orissa police still imposes the "lightest burden on the population and its strength "is the lowest relatively to that population"?—Yes.

11. On page 166* the book deals with the attitude of the legislative council towards the police. I

* Vol. XII.

gather there has been a good deal of rather hostile criticism, and that if it had not been for the official *bloc* in a good many cases what you consider very necessary funds would not have been got through ?—Certainly.

12. I do not know whether it is a question I should ask you, but you would naturally be a little anxious if there was any proposal to remove the official *bloc* ?—It depends on what you put in its place.

13. I think on a good many occasions motions for reduction would have been carried if Government had been without the support of the official *bloc*, and some of them seem to have been very important matters for you ?—They were.

14. At the bottom of page 166* I see the favourite objects for attack were the Deputy Inspectors-General, the Criminal Investigation department, the " Special Branch," and so on ?—Yes.

15. What would be your view of the effect of the transfer of Law and Order to a responsible minister, so that it ceased to be a reserved subject as it is now ?—My officers, of the Imperial service, the provincial service and the subordinate service (down to the rank of sub-inspector) so far as I have obtained their opinions look on such a proposal with grave anxiety. My own opinion is that they are right, unless the transfer could be hedged round with adequate safeguards.

16. You say you have discussed it with your subordinate officers ?—I asked the subordinates' Association to give me a memorandum of their views on that point, and I had sent to me a copy of the Imperial Police memorandum, which I think you have received.

17. But anyhow, your anxiety would be lest the morale of the police should suffer ?—That is the general opinion. I am afraid it would, at any rate temporarily.

18. They would not be certain of being sufficiently backed up in case of trouble ?—Quite so. There would be insecurity, and fear of such things as nepotism and intrigue. They fear their independence would be sapped.

19. You have not been so much worried by communal troubles in this province as in some others, I take it ?—I doubt that. The position has been most acute, and is at the present moment.

20. That would be your principal cause of anxiety, would it ?—One of them only. At the present time it is a very grave anxiety indeed. There have been thirty-five communal riots and unlawful assemblies in this province up to date this year.

21. Therefore this is a particularly anxious time for you, and one when a change of that kind—making it a transferred subject—would cause you special anxiety ?—Very grave anxiety.

22. I am not quite sure whether the police duties here are confined to what one ordinarily considers to be police work, or whether you have anything special in this province ?—The position in this province is peculiar. For instance, there is no subordinate revenue agency, so that the police have to take a share in work they would not otherwise have to carry out. If children have to be vaccinated, the police are generally employed to collect them ; if cholera medicines have to be distributed, or quinine given out, the police do it. Then they have to undertake the registration of births and deaths, report on epidemics and cattle disease, and keep the survey pillars in repair in many places. They have to provide for the transportation and even for the provisions of travellers. Their work impinges on that of all other departments, as there is no other subordinate agency for carrying out Government orders.

23. They are the handy men of the province ?—Yes.

24. Therefore the question of transfer becomes a rather more complicated one in this province than in others ?—It would be, because there would be more or less dual control ; the police would be serving two masters.

25. Why do you say " dual control " ?—That is not quite correct.

26. Transfer would have rather the other effect, would not it ?—It would.

27. Do not you mean their duties are so multifarious that anything which did harm to them would affect a wider range of subjects than merely police duties ?—That is so, but that is not what I meant. What I meant was that with the transfer there would be bound to be more miscellaneous duties put on them ; they would be called on to perform more miscellaneous duties for other departments, to the detriment of their legitimate duties.

28. In every country in the world, of course, there are anxieties about what is called corruption in the police, and India is not peculiar in that respect. Have you anything to tell us about the existence or non-existence of corruption here ?—During my service (now a little over 33 years) there has been a small improvement—in some respects a marked one. I will give just one instance. When I entered the service it was not unusual for evidence to be fabricated in order to secure the acquittal or conviction, as the case might be, of the particular person accused. That, I think, is practically unknown now, but at the same time I must admit that probably 99 per cent. of the constables and head-constables are corrupt, perhaps 75 per cent. of the sub-inspectors, and possibly I am optimistic in saying not more than 50 per cent of the inspectors.. When you get to the higher ranks, of course the deputy superintendents are above suspicion.

29. *The Chairman* : Are the figures you have just given the figures for the improved condition of things which you are glad to say now exists ?—Yes. Those are figures I have obtained recently—I keep a watch on these things—from Indian officers of the rank of deputy superintendent and superintendent, and one Deputy Inspector-General, who have recently retired. Those figures were given to me this year.

30. *Colonel Lane-Fox* : Those can be only rather suppositious figures ?—Those officers knew their men thoroughly ; better than I can.

31. When you say corruption, you mean taking a small bribe ?—Yes. They would not go so far in these days as deliberately to fabricate false evidence.

32. That is the extent of the improvement, you say ?—No, there is an improvement in regard to corruption. I should say the subordinate police are less corrupt than the subordinates of other services.

33. *The Chairman* : Would you mind telling me what it is they are paid to do and not to do ?—Mostly they are paid to show favour in the performance of their official duties. They do not have to ask for the money ; it is offered to them. It has been offered to me personally when I was an assistant superintendent, once directly and once through an intermediary.

34. When you say " in the performance of their " official duties," do you mean as to whether they shall or shall not arrest somebody ?—Yes, or any other of their official duties. If a bullock-cart man is without a light and he is caught, he promptly offers the constable four annas not to be prosecuted, and I should say in the majority of cases the constable takes it.

35. *Sardar Shivdev Singh Uberoi* : Is the percentage you give the present one, or the one when you joined the service ?—The present one.

The Chairman : These are the figures, according to his estimate, now that the force has improved.

36. *Colonel Lane-Fox* : I suppose that would make you all the more anxious to retain a good proportion of European officers and superintendents ?—No, I would not go so far as to say that. Our best Indian superintendents, I think, are in a better position to stamp out corruption than the Europeans. They know more about the habits and customs. I could name Indian superintendents who are as good as the best Europeans in stamping out corruption, but it is a very difficult and slow business.

37. You hope gradually the position is improving

* Vol. XII.

and will continue to improve ?—I think so, undoubtedly.

38. But one of your principal anxieties, to which you referred earlier, is that the quality of the European recruit which you are getting is not quite so good as it was, and you put that down to their anxiety about the future ?—Yes.

39. *The Chairman*: One answer you gave was a very encouraging one. Did I understand you to say that in your opinion there was no longer the manufacturing of false evidence ?—Yes. I am quite definitely of that opinion.

40. You mean on the part of the police ?—Yes.

41. Do you think it would be the view, for instance, of the judges of the High Court here, who have got a very heavy list of criminal cases or criminal appeals to hear, that in reviewing that evidence they do not find themselves faced with a great deal of manufactured evidence ?—They do.

42. Then is your point that it is not manufactured by the police ?—Quite so.

43. *Lord Burnham*: I should like to ask you whether you think that the animosity displayed against your force in the legislative council, according to what you say in paragraph 233,* second sentence, is tending to diminish or not ?—I doubt it. I think it is mainly due to a sense of irresponsibility. I do not think there is quite so much bitterness in it as appears on the surface.

44. *The Chairman*: A sense of irresponsibility ?—Yes. I have noticed in important debates occasionally—and I have been a member of the legislative council since the Reforms—that matters have not been pressed quite as far after a big outburst of hostile criticism as I expected they would be pressed, on important points.

45. *Lord Burnham*: Then according to what you are now saying, you think a certain amount of this hostility is a matter of display ?—Yes.

46. For the benefit of the gallery ?—The subordinate police look upon it as due to the fact that we are the main agency of the Government for maintaining the Government.

47. You think it is really an attack on the Government through your person ?—That is so.

48. *Mr. Hartshorn*: Could you tell us what the rates of pay are in the force ?—Yes. Shall I begin from the lowest ranks ?

49. If you please.—A constable gets Rs. 15, rising to Rs. 20 after 17 years. Some of them get certain allowances.

50. Is that per month ?—Per mensem, yes. The illiterate head constable gets Rs. 24, rising to Rs. 30—Rs. 24, Rs. 27 and Rs. 30. The literate head constable gets Rs. 25, rising to Rs. 35. The sub-inspector begins on Rs. 80, and rises by quinquennial increments of Rs. 10 to Rs. 130. The inspector begins on Rs. 175, and is graded Rs. 175, Rs. 200, Rs. 225, and Rs. 250. The selection grades are Rs. 275 and Rs. 300. That is the subordinate police.

51. Do you think this low rate of pay has anything to do with the readiness of a policeman to take four annas ?—Yes.

52. You think it is partly responsible for the corruption in the force ?—Certainly. The initial pay of the constables is not so high in some places as the rate of pay of unskilled labour.

53. I see it works out in English money at about 10d. a day ?—Yes.

54. *Lord Strathcona*: When it says in the book, at paragraph 233, page 169,* " It is undoubtedly " true that police officers, and particularly Indian " police officers, are gravely apprehensive of any " constitutional development which would place " them, or that part of Government to which they " are attached, at the mercy of a council vote," is that expression of opinion the result of any special inquiry or canvass among police officers, or is it merely based on private conversations ?—No, I was asked for my opinion, and I consulted my Indian officers.

55. Individually ?—Yes, and collectively I asked them to submit their views and the views of their Association in writing.

56. As far as possible you consulted them all, and that is the balance of opinion, is it, the consensus of opinion ?—It is almost unanimous.

57. *Mr. Cadogan*: Might I ask, have you got any figures which show the number of dismissals there have been for corruption ?—No, I am afraid I have not got them. I can supply the figures for you, but I have not got them with me.

58. They are not obtainable at all ?—Oh, yes, I can get them from my office, from the secretariat.

59. *The Chairman*: You might perhaps let us have a little tabular statement about it ?—I will do so,* sir. You want the figures for corruption for what period of years ?

The Chairman: Any reasonable period.

Mr. Cadogan: Something which would, in your opinion, be a good indication.

60. *Sardar Shivdev Singh Uberoi*: I wanted to know whether there have been any dismissals at all on this account ?—Oh, yes, inevitably.

61. *Mr. Cadogan*: On page 164,† paragraph 226, there is an observation: " When in 1921 a further " increase of pay was found necessary the need for " economy was pressed home on the department, and " as a result of the enquiry into the possibility of " reducing the numbers, a reduction of 500 was made, " not without misgivings, in the personnel." Do you consider the police force is very much below strength now ?—It is inadequate to meet our needs, definitely inadequate, at present.

62. There is one other thing I want to ask you, on a reply which you gave to Lord Burnham just now. Are the police on good terms with the people as a rule ?—There has been an immense improvement in recent years. It is a matter on which I would lay the very greatest stress. Now scarcely a day passes but I receive, or my gazetted officers receive, letters of thanks from public Associations or individuals, thanking us for work done by the police, ranging over every imaginable description of good work done for them, not only criminal work.

63. *Raja Nawab Ali Khan*: On page 169,† as Lord Strathcona has pointed out, I find this: " . . . " police officers, and particularly Indian police " officers, are gravely apprehensive of any constitu- " tional development which would place them, or " that part of Government to which they are " attached, at the mercy of a council vote." Now, is that opinion the result of personal experience, or is it based on evidence ?—I do not think I have quite followed you.

64. What is the fear at the back of the minds of your force ?—They have observed the doings of the council very closely. They have noticed that the police, the subordinate police mainly, of course, have been the object of most bitter attacks and ill-informed criticism, and they realise that but for the official *bloc* they would have been deprived of adequate clothing, for instance, housing, equipment generally. They are afraid, they have told me, that in view of what has happened in municipalities and district boards since they have been entirely in charge of Indians, there would be nepotism and unfair treatment, and even now they have also asked that the Inspector-General alone should have the power to dismiss even officers of the rank of sub-inspector.

65. You have just said they have been deprived of clothing and housing arrangements ?—Would have been.

66. I want to draw your attention to page 167,* paragraph 229: " It may be said that the direct " results of the Council's control on the police budget " in the past seven years have not really been " unfavourable." And later on you say: " Equip- " ment has been improved, by the provision of

* Vol. XII.

* *Vide* Appendix A, p. 298. † Vol. XII.

" mosquito nets for the feverish districts, a certain " proportion of waterproofs and greatcoats, and " sentry boxes for police on point duty. Progress " has also been made in the provision of better " housing for the force and the construction of better " police buildings."—Yes, great progress has been made.

67. I thought you said they were deprived of them ?—They realise that it is entirely due to the official *bloc* and the power of certification.

68. *Sir Hari Singh Gour*: You have said that you have got 48 European officers and 11 Indian ?—Yes.

69. Of what grade are the European officers and the Indian officers generally ?—The Europeans, of course, are spread throughout the service—from Inspector-General to assistant superintendent generally. There are at present only four Indians in the rank of superintendent; the rest are assistant superintendents.

70. And as regards the Europeans, how many assistant superintendents have you got ?—Twenty-five, probably, I will tell you in one minute the exact figure. Yes, twenty-five.

71. Twenty-five European superintendents and four Indian superintendents ?—That is at the present moment, yes.

72. You stated that Indian superintendents are very superior, because they know the people, their habits and their lives, and so on ?—I did not quite say that.

73. I would like you to repeat what you did say, if you do not mind ?—I said I had not necessarily any apprehension that the Indian superintendents would not prove eventually as good as their European predecessors.

74. Is that a deduction from your experience ?—That is from my experience.

75. In that case, you would advocate the increase of Indian superintendents in the course of time ?—Not at present.

76. In the course of time, I said, seeing that they are better men, better superintendents ?—I did not say so, pardon me.

77. *Dr. Suhrawardy*: He said they are in a better position to stamp out corruption.—In respect of corruption, I said they probably were in a better position to know the habits and customs of their fellow men.

78. *Sir Hari Singh Gour*: Yes. Now, as regards the uncertainty of the future, and the social amenities of the European officers, is that confined merely to the European policemen or to the Europeans generally in all services ?—I cannot speak for other services, but I should imagine that it extends to the Indian Civil Service.

79. Is it not a fact that the European members of the police are drawn from more or less the same class of people as the members of the other All-India services ?—Yes.

80. Consequently the grievance of the Indian Police is not a distinctive grievance, but a grievance which they must share in common with the members of the other European services ?—Yes.

81. As regards the recruitment of Indians to superior ranks of the police, have you any system of direct recruitment to the superior grades ?—Do you mean direct recruitment to the rank of superintendent ?

82. No, the first European recruit is, I presume, an assistant ?—Yes, an assistant.

83. Have you Indians also appointed assistant superintendents ?—Yes, every year.

84. And for how long ?—We have had Indians for many many years, but the majority of the Indians have been appointed since 1920.

85. Therefore the seniormost Indian would be of about eight or ten years' standing ?—The seniormost assistant, yes.

86. And how long, how many years, does it take to get from assistant superintendent to superintendent ?—Approximately eight.

87. Consequently he is now getting himself accustomed to the superior work ?—He is officiating since two years and accustomed to the work.

88. How many ?—Two years.

89. How many, I asked ?—How many are officiating ?

90. *The Chairman*: Are there more instances than one ?—That is the only one who has been officiating for any appreciable period. There is another one, but only for a short period.

91. One for a short period and the other for a long period ?—Yes.

92. *Sir Hari Singh Gour*: Are these men who are appointed to the assistant superintendent's grade educated men ?—Yes.

93. Graduates ?—Yes.

94. You have been thirty-three years in this country ?—Yes.

95. Is it not a fact that the subordinate magistracy at the commencement of your service was also liable to corruption ?—Yes.

96. And it has gradually improved ?—Yes.

97. Due to the recruitment of educated men to the superior services ?—And improvement of prospects.

98. Now, if you fulfilled the same conditions in the case of your police service——?—Subordinate service ?

99. No, I am talking of the superintendents and the deputy superintendents ?—Yes.

100. — the same result would apply ?—Yes, I think probably.

101. Because the work of the policeman is quasi-judicial; he has to enquire and investigate, and so on; the work is very much the same ?—Yes.

102. *The Chairman*: I have not quite followed that, though I thoroughly appreciate the importance of the general point you are making. I thought the last question and answer had to do with the superior ranks ?—Quite so.

103. You said the superior ranks were quite above suspicion of corruption ?—Yes.

104. How do you propose to get rid of corruption in the rank and file ?—I did not understand that that was the drift of the cross-examination.

105. *Sir Hari Singh Gour*: My point was this, that as the improvement of the prospects raises the tone of the whole service, there is a better control of subordinates, and if with the better control of the subordinates they improve the prospects of the subordinates, this scourge of bribery, corruption and inefficiency will disappear ?—Not until the morals of the people improve also. You cannot have a police force drawn from a class of people who are themselves ready to offer bribes, and expect the police not to accept them.

106. I was asking you to visualise the fact that you have got a subordinate magistracy beginning with the third-class magistrate and ending with the sessions judge. I will confine you only to the magistracy third class, second class and first class ?—Yes.

107. Now, you have said, and I think very rightly, that so far as the subordinate magistracy is concerned there is no serious taint of corruption ?—Yes.

108. That has been the direct result of better recruitment, better education, and more promotion ?—Yes.

109. If you were to ensure the same thing in the case of the police, the same result is inevitable ?—Certainly.

Sir Hari Singh Gour: Consequently it is only the method as to how you are going to improve one service as you have improved the other ?

110. *The Chairman*: Might I just make an observation, or an inquiry rather, because one sees the importance of this. If I may say so, I should very much agree with what you have put, Sir Hari Singh Gour, that to improve a man's prospects and status, to show him what is the reward of good and honest conduct, is one of the best ways of getting rid of corruption. I entirely agree with you, if you will allow me to say so. I wonder rather whether the analogy is quite so close as your questions

suggest; I mean, after all, the work that has to be done by the ordinary policeman is work which we all want to have honestly done, but the ordinary policeman cannot hope, as the result of good behaviour, to find himself before the end of his career in the position of a superintendent?—Men have done so in the past.

111. There were instances, but they must be extremely rare?—Extremely rare.

112. One would have thought it was rather the improvement of the pay and status of the rank and file which was the really important matter. I am not differing from you in principle, but I am wondering whether the actual analogy is close. Is not the subordinate magistrate obviously in a superior position to that of the ordinary policeman?—Yes.

Sir Hari Singh Gour: I was dealing with sub-inspectors of police, who draw Rs. 80–120. A sub-inspector corresponds to what we may call a naib tahsildar, a magistrate of the second class. They are practically drawn from the same class. An improvement in his prospects has resulted in a very great diminution of corruption.

The Chairman: You think it has really improved?

113. *Sir Hari Singh Gour*: The witness has said so, and I think it is the general opinion. In the old days, when the rank and file were promoted to these higher positions, they found it difficult to escape the corruption to which they were accustomed, but with direct recruitment the officers bring to bear on their duties a dignity which the promoted officer did not possess. If you had the same method of recruitment for your sub-inspector grade you would also get superior men?—75 per cent. of our sub-inspectors are directly appointed, not promoted.

114. I understand that, but what are their educational qualifications compared with those of a naib tahsildar?—I have just been appointing sub-inspectors for next year. Three men from the Patna district were B.A.s. About 10 per cent. are B.A.s, and sometimes we get an M.A. or a B.Sc. or a B.L.

115. You are following a very healthy line. If you do that you will find in five years' time, when you come back to us, you will be able to say corruption among your sub-inspectors is negligible?—No, I am afraid not. I shall not be here in five years' time, in any case! We have followed that policy for many years.

116. That is the right policy?—Yes.

117. And is it likely to bear fruit?—Yes.

118. The corruption you see now before you is really a legacy of the past?—Yes, the long, long past.

119. As regards the prevention and detection of crime, what percentage of offences are brought to book? I want only very rough figures.—I will give you the correct figure. Of the total cognizable crime in 1927, the percentage of convictions was 36·7.

120. That is very good?—Very good.

121. Very good indeed?—It has steadily improved in recent years. It has never been higher except in two years—since the province was constituted.

122. *The Chairman*: What is the meaning of "cognizable crime"?

Sir Hari Singh Gour: Crime in which the police may arrest without a warrant from the magistrate.

123. *The Chairman*: Must not you first of all sift out charges which may be brought to the notice of the police but which are manufactured?

The Witness: I have the total of true cognizable crime.

124. *The Chairman*: That means cases in which the police, after investigation, are satisfied someone did commit a crime?—Yes. Convictions were obtained in 36·7 per cent. of those cases.

Sir Hari Singh Gour: Not only committed a crime, but a crime in which the police are authorised to prosecute.

125. *The Chairman*: You must exclude manufactured cases?—I have done so.

The Chairman: I was not sure of the meaning of "cognizable."

Sir Hari Singh Gour: It does not mean true cases. There is an artificial distinction between a cognizable and a non-cognizable offence. A cognizable offence is one for which a policeman can make an arrest without a warrant from a magistrate; a non-cognizable case is one where the police must go to a magistrate and get a warrant.

126. *The Chairman*: We have a rather similar distinction in England, though we do not use the same word. Is this 36·7 the percentage of cases of true cognizable crime?—Yes. Cognizable crime includes all the important cases.

127. *Sir Hari Singh Gour*: Serious cases. You have said the success of the police in your province—as indeed in all countries—depends on the amount of co-operation and support they receive?—Yes.

128. And the co-operation and support depend on the popularity of the police?—Yes.

129. On a recognition by the masses of the fact that the policeman is their friend and is intended to purge society of malefactors. You have said the popularity of the police has increased?—Greatly increased.

130. Since when?—It has been steadily improving for many years, but in the last five or six years there has been a very marked improvement.

131. The improvement in the popularity of the police in the last five or six years has been very marked, and that, of course, is reflected, as you say, in the very large number of convictions compared to the total amount of crime—36·7 per cent. which compares very favourably with the figure in other provinces. What do you think are the causes of the improvement of the relations between police and people in the last six years?—I suppose I must answer the question. I think it has been mainly due to the very strenuous efforts the superior officers have made, under my directions. We have compelled every constable to learn by heart certain rules of conduct. They are printed in the vernaculars and hung in every barrack, and he is not allowed to draw an increment of pay until he can recite them by heart. Then I have personally taken the most severe action against policemen of all ranks who abuse their powers. I have lectured to cadets personally, both as principal of the college and on the occasion of the annual prize-giving, and that is a point I have always emphasised. It has been greatly stressed during the training at the constables' school and in the training of the officers at the police training college. On every possible occasion I have impressed it on my subordinates, and it is beginning to bear very good fruit. Not only that, but I have rewarded them for being useful in such things as fires, cholera epidemics and every imaginable activity apart from pure police work in which they can render assistance to the public.

132. I will read to you the last two sentences on page 145 of the Government memorandum*, which describe the resolutions of your local council: "A "resolution usually aims at stimulating Government "to greater activity, in regions where it is supposed "to have been guilty of lethargy, or curbing what is "represented to be the excessive or unnecessary "use of its powers in other spheres. The Bihar and "Orissa council has been liberal with advice tending "in both directions." May I take it that you, as a department of Government, have profited by this healthy criticism of the local council?—Undoubtedly.

133. Do you promote any percentage of constables to be head constables, or of head constables to the rank of sub-inspectors?—The constable, in order to secure promotion to the rank of head constable, has to pass certain examinations, and promotion from the rank of writer head constable (which means literate head constable) to the rank of sub-inspector is done by selection by me personally. Twenty-five per cent. of the vacancies is the maximum I am

* Vol. XII.

permitted to fill in any one year. For the promotion of illiterate head constables a fresh examination is necessary.

134. You think that stimulates the constables to improve themselves ?—Certainly.

135. Is this a recent feature of your police force, or has it been the practice for a long time ?—The percentage of writer head constables promoted to sub-inspector has been slightly increased in my time. In every reserve we have a school, and at every police station the sub-inspector or literate head constable has to spend so many hours a week in giving instruction in reading, writing, duties towards the public and other things we lay stress on.

136. Have you a police training school here ?—Yes, and a college.

137. What percentage of your subordinate staff go to these schools and colleges for the purpose of improving their knowledge ?—Every constable passes through the school on enlistment. Every sub-inspector appointed direct passes through the college. Every deputy and assistant superintendent passes through the college, and such of the promoted writer head constables as are young enough to undergo the rather strenuous physical training there.

138. As regards the attitude of your Indian officers, to which you have referred, you have said they are apprehensive of any change in the Constitution of this country because it might lead to nepotism and favouritism ?—Yes, I said so.

139. Have you seen any case of nepotism and favouritism in the other departments of Government that have been transferred to the charge of a minister here ?—That is a matter on which I have not first-hand knowledge. I have heard of many.

140. Have the Indian officers who complain to you first-hand knowledge ?—They have first-hand knowledge ; they know perfectly well.

141. Could you produce any Indian officer who could give before us any evidence on this subject, who could say " My apprehensions are justified by " the fact that you have transferred such and " such departments, and look how badly they are " working " ?—Pardon me ; I did not say that.

142. I am visualising a possible case. Have you any officer who could tell us about it ?—I think there would be many.

143. You have not recommended anyone for examination so far ?—No.

144. As regards the unpopularity of your service with the local council, you have said there have been attacks directed against so on and so forth. I suppose the pivot of their attacks is, as you said yourself, that you are the hand of a bureaucracy ? —That is right.

145. And consequently the attack is not so much against you personally as against the bureaucracy ? —That is right.

146. *Sir Zulfiqar Ali Khan* : It appears from your evidence that in the police there is almost universal corruption ?—Yes.

147. Do not you think by encouraging the unsophisticated people who offer bribes and so on to bring complaints about corruption of police officers to you, you might be able to control things better ? —We do encourage them, always.

148. Do the complaints pour in ?—No, they are very slow, to complain about corruption in most cases. We get shoals of complaints about " zulum " —ill-treatment—but we do not have many about corruption, the reason being that the man who gives the bribe is equally guilty. That is the trouble. Moreover, they do not look on it as wrong-doing, but as the ordinary thing—what we call " mamuli."

149. You think on that score they do not feel any objection ?—Unless there is extortion and an excessive amount is asked for.

150. *Sir Hari Singh Gour* : It is not extortion to ask for an excessive amount ; it is how you ask for it ?—I follow you !

151. *Sir Zulfiqar Ali Khan* : Then you think to reduce the amount of corruption you must improve the morale of the people and employ a better class of Indian in the force ?—I would improve the pay and prospects of the subordinate services and hope for a gradual improvement in the standard of public morality ; but as long as you offer bribes to a subordinate policeman, unless he is so handsomely paid that he does not want any more money (and few of us reach that stage !), he will take them.

152. Do subordinate officers recruited from the better classes of Indians fall victims to this temptation ?—Yes, undoubtedly the majority of them do. I see no difference in that respect between the man who is a B.A. and the man who has passed the matriculation examination.

153. I was not thinking so much of the educational standard as of taking a man from a good family ?—We do. For instance, I would not willingly accept the son of a chaprassi or the son of a constable for the post of sub-inspector ; I take them from good families. We have two selection committees and their antecedents are enquired into before we appoint them.

154. You have said there is a feeling among European officers that they are left alone in the mofussil, and therefore the police life is not attractive to them ?—That is one of the reasons ; that is the social side. The other is the insecurity of their prospects, their career.

155. Can you suggest any means by which this apprehension can be removed from their minds ?—Only by retaining the present guarantees of the Secretary of State. In that matter we tried to get a covenant from the Secretary of State. It was refused. That did not tend to lessen the apprehension in the minds of the Imperial Police officers.

156. Among the Indians, irrespective of caste or creed, is there a tendency to repose more confidence in a European officer than in an Indian ?—It is difficult to give an unqualified answer. For instance, in critical situations I have had applications to send a European instead of an Indian. I can give several instances. There was one instance where there was communal trouble, and I was asked to arrange that a European sub-divisional officer should be sent there. That is outside my province altogether. On another occasion I was asked to send a European to investigate cases in two districts. Those were both when the communal situation was very strained. On another occasion I sent an Indian superintendent to a district and I was promptly approached (although he was a very senior man) by both Hindus and Muhammadans to send a European. On another occasion it was rumoured that a European superintendent was going to take leave next year, and that I was sending one of two men (one a Hindu and the other a Muhammadan) to replace him. Both parties approached me to send a European. I have had many cases of that description. It depends on the man and on the situation in the district at the time.

157. You have said also that in the provincial council there was a certain amount of antipathy shown to the police, and criticism ?—Very serious criticism.

158. Tell me what class of people in this council criticise the police in this manner ?—Mainly the Swarajist benches and some of the Independents. I think the Moderates and the Muhammadans, on the whole, have been reasonable in their criticism.

159. Muhammadans ?—The Muhammadans and the Moderates have been reasonable. The Swarajists and the Independents have been very bitter and very hostile, most unreasonable in many cases.

160. Could you tell me what has been the attitude of the big landholders in regard to this matter ?—Generally reasonable—moderate criticism, reasonable criticism.

161. *Sir Zulfiqar Ali Khan* : Do I understand that these Swarajists do not want, or do they want, disturbances in the country ?

The Chairman : I do not know whether even a policeman would know that.—After you arrived on the morning of the 12th one of the leaders of the

Swarajists, the anti-Simon demonstrators, congratulated one of my sergeants-major on the avoidance of any trouble, and I think if they saw trouble was likely they would be the last to want it; but so long as they are irresponsible, not responsible for the maintenance of law and order, they give vent to these unreasonable hostile criticisms.

162. *Lord Burnham*: I read in the *Searchlight* to-day that they are very angry with you.—That is quite likely.

163. *Sir Zulfiqar Ali Khan*: You have said that you feel that the situation is very grave on account of the communal hatred?—Undoubtedly.

164. And you said that about 38 riots have taken place?—That is so.

165. Could you please tell me who are the aggressors in these riots?—Equally Muhammadans and Hindus. It is fifty-fifty. Without a very careful analysis I could not say that one was more responsible than the other.

The Chairman: I hardly think we can go into that, but I think we may say that when there is communal strain, the tendency is to strain on both sides.

166. *Sir Zulfiqar Ali Khan*: I quite see that, but what I wanted to know was this, whether the Muhammadan minority has suffered grievously on account of these riots?—They have.

167. Could you tell me whether there is any discontent among the Indian subordinates as to the impossibility of their getting into the higher ranks?—I think they are like everybody else; they would like a rise.

168. But are they given opportunities of rising?—Yes, they are. I have had reason from their resolutions to suppose that they are not quite satisfied. For instance, I received a resolution passed at their last conference that deputy superintendents should not be appointed direct, that they should all be promoted from the rank of inspector.

169. What is the highest position to which an Indian has so far risen in the police force?—Deputy Inspector-General in this province.

170. Is he now occupying that position?—He has just retired. He retired three months ago.

171. His name?—Rai Bahadur Sakhi Chand.

172. *Dr. Suhrawardy*: Was he in the Criminal Investigation department?—No, he was never in the Criminal Investigation department.

173. *Sardar Shivdev Singh Uberoi*: You have been good enough to give the percentage of corrupt men in your rank and file at the present time. Could you recall the earlier days of your service and give us any idea about the percentage of corrupt men then?—I never called for an estimate then, but I should think it was very much higher.

174. *Sir Hari Singh Gour*: If it is 99 now, it must have been 100 before.—I have got down to 50 per cent., you remember, when you reach the rank of inspector.

175. *The Chairman*: You mean that you think there is a real improvement in the intermediate ranks?—Yes.

176. You do not, apparently, think there has been that improvement lower down?—I do not think there is any improvement in the rank of constable or head constable.

177. *Sardar Shivdev Singh Uberoi*: You have been frank enough to admit corruption in your department to an extent which is not at all satisfactory, and you have said that the deputy superintendents are above corruption. Is that a fact?—Yes.

178. May I know the pay of the deputy superintendent?—The initial pay of the deputy superintendent when he is under training is Rs. 200 a month, and he rises to Rs. 800, but he is also promoted to the rank of superintendent.

179. How many of the deputy superintendents are Indians at present?—They are all Indians.

180. You have said that one of the reasons for so much corruption in your department is the poverty of prospects and pay. May I know, has any attempt ever been made to increase the prospects of the rank and file?—Oh, certainly. We have done quite a lot in recent years.

181. Has the pay of the constable been increased?—Appreciably. You will find it in this book. The initial pay has been increased over 100 per cent.

182. It was Rs. 7-8-0 some time back?—It was Rs. 6 when I entered the force. It is now Rs. 15.

183. And since when has the Rs. 15 obtained?—We had a police strike in 1921!

184. Do you think it is sufficient pay for a man with a wife and children to live on?—No, I do not think it is sufficient.

185. And since then it has never been thought fit to revise this pay?—Very many times, but the finances of this province, apparently, are not sufficiently expanding to enable us to spend more money. If we do so I understand we shall have to reduce the force, and it is already dangerously few in numbers.

186. What I mean to say is, such a proposal has not been put before the legislative council and rejected by the council?—No.

187. It has never emanated from your department?—It has gone from my department, but it has not reached the council.

188. The sub-inspector's pay, you said, is Rs. 75?—Rs. 80. In addition to that he gets Rs. 23 horse allowance.

189. *Rao Bahadur Rajah*: Is the police service in this province open to all communities?—All Indians.

190. Have you any from the aboriginal tribes or from the depressed classes in your service?—Very many.

191. Do you hold an annual examination either in Patna or in other centres for admission to the superior police service?—It is generally held in Allahabad, as far as I remember.

192. And how many have been recruited in this manner since the introduction of the Reforms?—How many members of the superior police service?

193. Yes? And how many of these were Europeans, Anglo-Indians and Indians?—Do you mean to say appointed out here, Europeans?

194. Yes.—None.

195. Anglo-Indians and Indians?—No Anglo-Indians. Indians appointed out here since 1920, seven, and one who has not joined, eight. Eight have been appointed.

196. And among these, none is an Anglo-Indian?—No.

197. What is the strength of the police inspectors and sub-inspectors to-day, and how many of these are Europeans, Anglo-Indians and Indians?—Do you want the exact figures?

198. Approximate figures. I am particularly interested in Anglo-Indians here. Have you any Anglo-Indians in the police service as inspectors and sub-inspectors to-day?—No sub-inspectors. I have approximately less than ten, I should say, sergeants and inspectors.

199. Am I to understand that there are fewer Anglo-Indians and domiciled Europeans in these grades to-day than there were ten or fifteen years ago?—Yes, probably.

200. Have you found the Anglo-Indians and domiciled Europeans make good police sergeants and inspectors?—No, not generally.

201. *Sir Hari Singh Gour*: As regards these riots, have they been fanned by outside influences?—You mean to say from outside the district?

202. Outside the province?—Sometimes, very generally, they begin in local disputes, and then the agitators flock there like vultures.

203. *Maulvi Saiyid Mubarak Ali Sahib*: Is it a fact that the proceeds from the railways are Central revenue?—Yes.

204. Who pays for the maintenance of the railway police?—The local revenues.

205. What is the total liability that we have to incur every year on this account?—About Rs. 4,36,000.

206. Is it a fact that the liability becomes greater

the moment the company-managed railways are taken over by the State ?—The moment the Government of India inherits the profits it repudiates the liabilities.

207. Do you consider that it should be a charge on Central revenues ?—That is a matter that is scarcely within my sphere, but I should say it is only equitable if they take the profits they should pay the expenses.

208. On page 168, paragraph 231,* you say that a resolution was moved in the council in 1926 " urging " the abolition of the chaukidars (village watchmen) " and the payment of their petty officers (dafadars) " out of provincial funds, instead of by means of a " local cess. The resolution appears to have been " moved mainly to gain support at the coming " election by an attempt to get rid of local taxation." —I must disclaim responsibility for that statement.

209. Are you aware that people living in rural areas have to pay a variety of taxes unknown in urban areas, and that they have also to pay for the policing of their respective areas ?—The only tax that I know that the people pay that affects the Police department at all is the chaukidari tax.

210. Besides paying the other taxes too ?—I am afraid I do not know much about that. There is road cess.

211. Embankments cess, water rates, and so on ? —Yes, in some places, I suppose.

212. Is it a fact that village watchmen are not as efficient and competent as the trained constables ? —In some respects they are much more useful. Of course, they are not as policeman, but as sources of information, but indeed, in recent years they have done very fine work as policemen, for instance, picketing approaches to a village to catch burglars or dacoits, things that you have not got sufficient police to do.

213. But they are not as efficient as trained constables ?—I say in some respects they are more efficient, because the local chaukidar knows all the village information, which would be withheld from the constables of the regular police.

214. What other duties have these watchmen got to do besides their police work ?—They are a reporting agency for all the departments of Government. In other words, they are the pillars of the Constitution ; they are the foundations on which everything is laid.

215. Are you aware that this tax is very unpopular with the people residing in rural areas ?—I have never known a tax that was not unpopular.

216. But this is more than unpopular ?—I have no recent experience. I have not been in a district for some years.

* * * * * * * * *

220. *Rai Bahadur S. C. Roy* : How many aboriginal sub-inspectors have you got in Chota Nagpur ?—I am afraid I must have notice of that question.

221. How many sub-inspectors have you got in Chota Nagpur in all ?—I can give you the figures. I do not know off-hand.

222. Chota Nagpur is practically an aboriginal area ?—Practically. .

223. In Kolhan, in Singhbhum and in the Santal Parganas you have aboriginal headmen as sub-inspectors of police ?—In the no-police tracts we have.

224. Aboriginal headmen are invested with the powers of sub-inspectors ?—I believe so.

225. Then that works very well ?—That branch of the administration is not under me, and I think in those backward tracts, those aboriginal tracts, it works reasonably well.

226. In the whole of Chota Nagpur with the exception of Kolhan and Singhbhum you have Hindu and Muhammadan sub-inspectors mostly ?—Yes.

227. Are you aware that the villagers regard with suspicion these Hindu and Muhammadan sub-inspectors because they think that they are in league with the Hindu and Muhammadan zamindars, with whom they are on bad terms ?—I was not aware of that.

228. Do not you think it would be a better plan to introduce the same system of police in the rest of Chota Nagpur as in Kolhan ?—It would be a retrograde movement, undoubtedly. I would strongly oppose it.

229. For what reasons ?—Because it would be impossible for those simple village headmen to function in the settled portions of Chota Nagpur. They could not do the work.

230. What do you mean by the settled portions of Chota Nagpur ?—How could you have men of the stamp of these Mankis doing the police work of Ranchi town ?

231. What do you think of the same system being introduced, the procedure which these aboriginal sub-inspectors follow ?—I think it is entirely unsuitable to any but the most backward and primitive tracts.

232. Are your police officers who work in Chota Nagpur examined about their knowledge of the language and the customs of the people ?—No.

233. Is not it a fact that for want of knowledge of the customs of the people a great deal of harm is sometimes done to the people ?—I know of no specific instance, but I can imagine it might be.

234. I will give you one instance out of many that I know. Do you know that three or four years ago a report was sent by the police inspector to the deputy commissioner of Ranchi to the effect that the Mundas were going to set up their own raja ?—I think I remember that.

235. And the deputy commissioner asked me to go to see nothing untoward happened ?—Yes.

236. *Rai Bahadur S. C. Roy* : As soon as I saw the letter of the inspector of police, I told him there was no reason to be afraid, because it said the Munda rajas were going to have a meeting, and I explained to him the Mundas had an organisation by which the villagers selected a social headman they called a raja, and they had periodical meetings. The deputy commissioner was not satisfied and asked me to go to see nothing happened. I said, " If you ask your " policemen not to go, I will go to see nothing happens, but otherwise they may kick up a row " ?—I think I remember.

237. And the deputy commissioner promised he would send only one or two constables in plain clothes and no other police officers, but when I got there I found a motor car full of police inspectors with their khaki dress on. I said to them: " Why " have you come, when the deputy commissioner " promised he would not send any policemen ? " and they replied : " We have come in plain clothes ; we " have not our badges on." I asked them to sit quiet and see what the people did.—Pardon me, but I am afraid I have lost the point of your question.

238. *The Chairman* : I follow the illustration entirely. It seems to me an instance of what you were putting, and there may be other instances, which show that sometimes there has not been a complete understanding of what a particular movement amounted to. Might not we take it that such things may happen in a district where there are special customs and manners ?

Rai Bahadur S. C. Roy : My point is that the police officers in such tracts should be acquainted with the customs and languages of the people.

The Witness : I agree with you.

The Chairman : You have made your suggestion, and I do not think the Inspector-General differs ; but it is quite plain you could not expect the Imperial Parliament to legislate in those terms, so I think we are getting a little away from the really constitutional point.

239. *Rai Bahadur S. C. Roy* : My idea is that in these parts there should be a different Constitution altogether, and police administration should be in the hands of the headmen of villages.—That is where I disagree.

240. Do you know that besides the village headmen

* Vol. XII.

there is a confederacy of villages with a headman who is an influential person ?—I take that from you as being correct.

241. Would not it be more economical and conducive to peace and contentment in Chota Nagpur if they were vested with police powers and supervised by, say, subordinate magistrates ?—It is a very big question, on which I am not prepared to give an opinion now. It wants a lot of consideration. I do not know Chota Nagpur very intimately myself.

242. Do you know the simple aboriginal villagers will form their opinion of Government from what they see of the police ?—I know that is more or less an accepted view throughout the province.

243. Are you aware there is an impression among well-informed people that although the pay and prospects of the subordinate police have been improved, corruption has not decreased, but only efficiency has been decreased ?—I do not hold that view. I hold corruption has decreased, and I disagree entirely on the point of efficiency.

244. Do you know that is the popular impression ?—It may be, but I am not aware of it.

245. *Babu Chandreshvar Prashad* : In answer to Sir Hari Singh Gour and others, you said when demands were made for better housing and other things conducive to the efficiency of the police, the council—or at least the moderate section of it—was more or less reasonable ?—Yes.

246. You agree there ?—Yes.

247. Then what are your reasons for objecting if control is placed in the hands of a minister ?—I said in the opinion of my officers and my own opinion, I should view transfer with the gravest apprehension unless it was hedged about with very effective safeguards.

248. Have you any idea as to what those safeguards should be ?—If I am permitted to give my own opinion I can give an opinion.

249. *The Chairman* : We should like to hear it.—In my opinion the Government of India could not delegate entirely its responsibility for the maintenance of law and order. I think it must retain a general power of direction, control, superintendence and possibly—probably—inspection, and it would have to lay down certain minimum standards below which the force, pay, equipment, training and so on must not fall. It must have power to intervene and remove the police from the control of a minister if it did fall below that standard. I think something on those lines is necessary. Then, as regards personnel, it would be absolutely essential in order to maintain the morale of the force, which is extremely important, to safeguard their pay and conditions of service.

250. *Babu Chandreshvar Prashad* : This is what you mean by Imperial or Central control ?—I do not advocate making it a Central subject. That is impossible.

251. *Mr. Cadogan* : That is impossible ?—In my view.

252. *Babu Chandreshvar Prashad* : Do you think if there were a Second Chamber in the province with responsible men there, or a moderate section of the people, the transfer would not cause any apprehension in the minds of your people ?—It would certainly bring apprehension, but I think it would lessen the apprehension appreciably.

253. *The Chairman* : We are much obliged to you. If you are supplying us, as I think you are, with a Table giving some figures of dismissals for corruption, I should be obliged if you would supply a Table* on another matter. I should like to know in this province over a series of years or specimen years what is the number of true cases of murder ?—I have those figures.

254. You might perhaps take also one or two other important heads of crime ?—I can give you all the important heads of crime at once.

255. I do not know whether there is a figure which shows the number of cases of important riots in which police action has been necessary ?—Yes, I have that.

256. I think, without being too elaborate, some figures which illustrated that point fairly over a number of years would be of some use to the Conference?—I have graphs for that.

The Chairman : Thank you very much.

Messrs. J. A. HUBBACK, I.C.S., and P. C. TALLENTS, I.C.S.†

The Chairman : I will ask Major Attlee to put the questions for the Commission.

257. *Major Attlee* : I will refer you first of all to the memorandum on the amalgamation of the Oriya-speaking peoples, a Government of India publication*. It contains a large map† which it would be well to have before us, and we might have before us also page 530 of that document. I think you have served in Orissa yourself, have not you ?—(Mr. *Hubback*) : I was for seven months officiating commissioner there in 1926. I have never served in that part of the province otherwise, but I was director of land records when the settlement was in progress there for two years, and I visited it fairly constantly during those two years.

258. And you assisted in preparing this memorandum‡ on the "Financial aspects of an Oriya "province" ?—Yes.

259. Referring to the map, we might first of all get a broad outline. This map is coloured to show the prevalence of the Oriya-speaking peoples. Seventy-five per cent. and over is coloured dark green, and the colour grows lighter as the numbers diminish, as the members will notice. First of all you have the Orissa division. That consists, does it not, of the three coastal districts, Balasore, Cuttack and Puri, Sambalpur, the district of Angul, which is in two pieces, and the feudatory States ?—That is not strictly correct. The three coastal districts and Sambalpur constitute the Orissa division. The feudatory States and the district of Angul (which, as you say, is composed of two small blocks) are under the control of the political agent and commissioner of the feudatory States.

260. I should have said the whole block makes up what they call the province of Orissa. The whole block forms the province ?—That is so.

261. The Table on page 530‡ shows that the Orissa division has a population of roughly four and three-quarter millions, of which four and a half millions are Oriya-speaking ?—Yes.

262. Would the remainder be in the main aboriginals ?—Very largely aboriginals in race, speaking Oriya.

263. Then it shows the feudatory States, with a population of nearly four millions, of which nearly three millions are Oriya-speaking. What would the remainder in those feudatory States speak ?—The odd million would mainly speak tribal languages.

264. Angul is in two portions, one of which is shown on this page as containing 75 per cent. and over of Oriya population, and the other as containing considerably less ?—Yes.

265. According to this chart, in Singhbhum 140,000 out of 759,000, roughly speaking, are Oriya-speaking ?—Yes. There is an Oriya fringe in Singhbhum.

266. Is Singhbhum largely an aboriginal area as well ?—Very largely.

* Vol. IV, p. 525.
† The map is reproduced in Vols. II and IV.
‡ Vol. XII, p. 402.

* *Vide* Appendix, p. 298.
† For their previous evidence, *see* pp. 266–288.
‡ Vol. IV.

267. That deals with the Oriya-speaking tracts in this province. Then, looking at this map, we see a fringe of Oriya-speakers is shown in the Midnapore district of Bengal. That is quite a small area ?—Yes.

268. Then on the west side you come to certain districts of the Central Provinces. I think I am right in saying that Sambalpur was transferred from the Central Provinces in 1905, with certain feudatory States ?—Yes.

269. And there are shown various areas which seem to be more Oriya-speaking in the south than in the north ?—You refer to Khariar ?

270. Yes.—Yes.

271. That is shown on page 530.* It shows a total of 248,000 odd in the Central Provinces, and 158,000 odd in Indian States ?—Yes.

272. So it is a comparatively small fringe in the province. Then you come to the Government of Madras, which shows one and a half million Oriya-speaking people in Ganjam and Vizagapatam ?—Yes.

273. And that really, as regards predominant Oriya-speaking people, shows two blocks, one on the west and one on the east ?—Yes.

274. Therefore, taking the total which is shown on page 530, the distribution of Oriyas between the four provinces, if one adds that up it shows something like nine and a half million Oriya-speaking people divided between the four Governments ?—Yes.

275. Of which the mass is in Bihar and Orissa ?—Yes.

276. I think it is stated here that the Oriya-speaking people's natural home is the coastal districts ?—Yes.

277. And that they have penetrated gradually up into the hills in course of time ?—Yes.

278. Where they have penetrated up into the hills, are they landlords, and are the superior classes Oriya-speaking among the aboriginals ? Is that the general position ?—Yes.

279. As regards the history, I think that Orissa itself was ceded in 1803, was it not, by the Bhonslas, and came under Bengal ?—Yes.

280. Until the formation of this province, therefore, the tract in Bengal and the tracts in Chota Nagpur, of course, and the Orissa division, were all together under the Government of Bengal ?—Excepting Sambalpur.

281. Yes, leaving that out for the moment; and therefore, when Bihar and Orissa was made, a small portion was cut off and handed to Bengal ?—The Midnapore area.

282. On the other hand, Orissa received an accretion from the Central Provinces on the transfer of Sambalpur ?—They got that in 1905, and they lost Midnapore in 1912.

283. Then the history, as I gather, of the Ganjam area is quite different ?—Yes.

284. They came within the British rule about the middle of the eighteenth century ?—1765, I think, is the date.

285. As regards the main part of Orissa, is that under permanent settlement ?—No, largely temporarily settled. The Orissa coast districts are largely temporarily settled. There is a fair amount of permanent settlement, but not a very great deal.

286. And the land system is, I understand, different from that of the Madras districts ?—Entirely.

287. Now the position that is put forward for the union of these districts is mainly on linguistic lines ?—That is so.

288. I think it would be interesting if we just looked to see what would happen, because the trouble is always with the districts round the edge. I take it one might say if one were to take the widest possible extent of this demand, and put them all into an Oriya-speaking district, you would then have a certain number of Bengali-speaking people coming in on the extreme east ?—Yes.

289. You would have a considerable number of primitive tribal people coming in on the north ?—From Singhbhum, yes.

290. You would have, I take it, some Hindi-speaking people probably coming in on the west ?—Yes.

291. And a number of Telugu people coming in on the south ?—Yes.

292. So whether you better your confusion of tongues depends where you draw your boundary ?—Exactly.

293. The next point is that there has been an agitation for the union of the Oriya-speaking peoples for a considerable period ?—Yes.

294. And that has taken various forms. Sometimes it has been a demand for an Orissa province, sometimes it has been suggested that the Oriyas should all be combined into a sub-province, and should be attached to one or other of the major provinces ?—Either so, or without the addition of making it into a sub-province.

295. One could conceive either making an Oriya province, or handing the whole thing over to Bengal, or the whole thing over to Bihar and Orissa, or even the whole thing over to Madras or the Central Provinces ?—Yes.

296. Therefore we have a wide field of choice before us ?—Yes.

297. Now, a special examination was made of the Madras Oriya-speaking areas by Messrs. Philip and Duff ?—Yes.*

298. And a special financial examination was made by Mr. Sen ?—Yes. That was also confined to Madras only.†

299. Of course, you are here concerned mainly with the people in your own province. You have not yourself, naturally, dealt with the various demands from Orissa Irridenta ?—That is so.

300. Except perhaps in the Chota Nagpur area ?—Well, that is part of our province already.

301. One gathers from a general reading of the Philip and Duff Report (and I would like to have your conclusion on the Philip and Duff Report) the impression that there was a pretty strong feeling for union, at all events, in considerable parts of the area of Ganjam ?—That is so, that is, from the Oriya-speaking rural population. There appeared to be a demand to join the main corpus of Orissa.

302. It was started in Ganjam by some of the leading zamindars ?—Yes.

303. I understand it was opposed in Vizagapatam by some of the leading zamindars there ?—I think that is so.

304. Could you tell me whether you have ascertained at all the feeling in Singhbhum ?—It has been ascertained from time to time. Shall I continue with the answer ?

305. Yes, please.—There is certainly a desire among Oriyas in Singhbhum to be treated as part of the Oriya province. At the same time, it is perfectly clear that the aboriginals, who are twice, or rather more than twice, as numerous, as the Oriyas, have no such desire whatever. The rest of the population is partly Hindi-speaking and partly Bengali-speaking, Bengali prevailing; and they have no desire to be treated as part of Orissa.

306. What position do the Oriyas hold in Singhbhum ? What classes of the population are they ? Are they just cultivators ?—The large bulk of them, as in the rest of the province, are cultivators, and there are a much smaller number of traders and professional men, and so forth.

307. The next point is the geographical position of Orissa in this province. We had some evidence that it was rather difficult to get here from Orissa. It is 600 miles from Cuttack to here ?—By rail, I should think something like that.

308. And the communications, I gather, apart from some road communications, do not run north and south ?—No; by rail you have practically to go to Calcutta.

* Vol. IV.

* *See* Vol. IV, pp. 583–602.
† *See* Vol. IV, pp. 604–642.

309. *Mr. Cadogan*: 600 miles from where?—From, say, Cuttack to Patna.

310. *The Chairman*: The Raja Sahib will tell us. These gentlemen who are coming to see us this afternoon from the Oriya district, I do not know where they come from. As a mere matter of a train journey, how do they come?

The Raja of Kanika: They go to Calcutta, and from Calcutta they come here.

311. *Major Attlee*: It has been suggested that Orissa was convenient to the province as giving it a sea coast?—It has been so suggested.

312. I gather there is not much of a harbour down there. There has never been extensive trade from Calcutta?—There is one small harbour, the development of which has been under the consideration of the local Government for several years, and we have recently got a survey report to say that it is quite suitable for development if the trade were there, but at present there is no particular indication that it would ever pay as a port.

313. As regards communications in Orissa, what is the natural communication from the hills down to the sea coast of Orissa? Do the lines of communication run that way?—Speaking of the coast districts?

314. Yes, taking the Orissa division as a whole?—The main road down to Madras, the old road there, runs north-east to south-west, roughly parallel to the coast. The railway runs almost in the same line, and fairly close to it. For the rest of the Orissa division, the coast districts, one has to depend mainly on canal transport to get to any part—the network of canals, irrigation canals, which are also navigable.

315. Taking the feudatory States, which broadly speaking lie between the coastal districts and the rest of this province, do they look, so to speak, towards the sea coast, or do they look up towards Chota Nagpur as far as the communications go?—Well, the communications have been very much improved of late through the States, in the last fifteen years or so, and now it is not very difficult to get from various points along the trunk road up into the States, and from them either to Sambalpur or up to Ranchi. It is not very easy yet; there is a great deal of bridging to be done, but as compared with getting about in the sea coast districts I should say it was easier. For instance, you can get to Angul from Cuttack, a matter of 60 miles. You have to cross the river first; you have to be ferried across. After that, it is quite simple.

316. I think Angul is under special administration; it is not treated like an ordinary district?—Angul is a backward tract.

317. And Sambalpur is partly excluded from ordinary legislation, I understand?—Yes, it is on the same basis as the bulk of Chota Nagpur.

Major Attlee: I think, sir, that that gives us generally the geographical position, and I think as it is our time to break off, before coming on to the next question, of finance, we might perhaps adjourn.

APPENDIX A (*Vide* Q. 59, p. 290).

BIHAR AND ORISSA.

Statement showing dismissals, etc., for corruption furnished by Inspector-General of Police.

DISMISSED.

Year.	Inspectors.	Sub-inspectors.	Head Constables.	Constables.	Total.
1923	Nil	3	1	6	10
1924	1	4	7	24	36
1925	Nil	1	4	14	19
1926	1	5	5	19	30
1927	Nil	2	4	17	23
Total	2	15	21	80	118

APPENDIX A—*Continued.*

OTHERWISE PUNISHED.

Year.	Inspectors.	Sub-inspectors.	Head Constables.	Constables.	Total.
1923	2	7	8	38	55
1924	Nil	5	9	40	54
1925	1	8	4	39	52
1926	Nil	11	7	34	52
1927	Nil	3	3	52	58
Total	3	34	31	203	271

APPENDIX B (*Vide* Q. 253, p. 296).

Statements of cognizable crime with percentages of convictions, furnished by the Inspector-General of Police.

Year.	True Cognizable Cases.	Percentage of Convictions.
1	2	3
1912	53,760	35·1
1913	56,087	36·2
1914	55,529	37·1
1915	60,653	34·7
1916	55,927	36·9
1917	51,605	34·5
1918	51,631	32·5
1919	72,719	30·1
1920	56,881	30·5
1921	52,207	28·6
1922	52,838	27·4
1923	50,226	29·6
1924	51,730	33·6
1925	50,871	34·6
1926	48,886	34·6
1927	48,250	36·7

Year.	True Dacoity Cases.	Percentage of Convictions.
1	2	3
1912	136	14·7
1913	113	12·3
1914	93	19·3
1915	146	21·9
1916	179	13·4
1917	213	17·3
1918	408	33·5
1919	815	10·1
1920	274	17·5
1921	310	9·6
1922	343	7·5
1923	269	12·3
1924	303	10·8
1925	198	11·1
1926	198	12·6
1927	232	15·9

Year.	True Robbery Cases.	Percentage of Convictions.
1	2	3
1912	100	33
1913	126	33·3
1914	99	29·2
1915	135	36·2
1916	137	25·5
1917	206	20·8
1918	160	32·5
1919	230	29·5
1920	155	28·3
1921	116	21·5
1922	151	25·1
1923	122	18·8
1924	146	27·3
1925	133	32·3
1926	151	34·4
1927	132	25·7

Year.	True Murder Cases.	Percentage of Convictions.
1	2	3
1912	157	30·5
1913	210	23·3
1914	193	26·4
1915	221	28·5
1916	229	24·01
1917	204	24·01
1918	205	23·4
1919	213	14·5
1920	199	17·08
1921	223	17·04
1922	212	17·4
1923	237	17·3
1924	238	18·4
1925	248	19·7
1926	274	20·0
1927	270	20·0

Year.	True Burglary Cases.	Percentage of Convictions.
1	2	3
1912	17,197	4·9
1913	17,745	5·1
1914	17,098	4·6
1915	20,795	5·5
1916	17,080	5·4
1917	15,951	4·4
1918	17,643	4·3
1919	28,338	6·0
1920	19,502	5·1
1921	18,822	3·9
1922	17,664	3·4
1923	16,473	3·2
1924	15,911	4·1
1925	14,698	5·1
1926	14,044	5·2
1927	13,414	6·0

Year.	True Theft Cases (Ordinary & Cattle)	Percentage of Convictions.
1	2	3
1912	15,735	23·7
1913	16,684	25·8
1914	15,903	25·7
1915	18,901	28·7
1916	16,634	26·8
1917	15,283	23·4
1918	15,393	24·09
1919	24,757	31·5
1920	18,046	27·7
1921	15,369	22·3
1922	15,086	19·5
1923	13,959	19·7
1924	14,436	21·5
1925	14,276	22·1
1926	13,342	23·4
1927	13,307	25·7

Year.	True Rioting Cases.	Percentage of Convictions.
1	2	3
1912	436	61·6
1913	409	59·6
1914	464	60·1
1915	402	58·7
1916	435	65·5
1917	452	60·8
1918	444	55·8
1919	388	47·6
1920	470	47·6
1921	598	47·8
192	785	47·8
1923	643	48·2
1924	662	46·9
925	714	47·0
926	739	50·2
1927	743	54·1

Year.	True Cattle Theft Cases.	Percentage of Convictions.
1	2	3
1912	1,036	38·03
1913	1,220	39·5
1914	1,061	40·6
1915	1,410	44·8
1916	1,078	48·1
1917	776	41·8
1918	675	45·5
1919	2,278	49·9
1920	1,041	46·3
1921	689	43·9
1922	585	39·4
1923	553	40·5
1924	599	41·4
1925	526	42·7
1926	588	47·6
1927	822	39·5

Afternoon.

Messrs. J. A. HUBBACK and P. C. TALLENTS—*continued.*

The Chairman: We are now going to take up the financial side.

1. *Major Attlee*: Just before going on to finance I might make this clear. We have dealt in broad outline with the geography in relation to this question, and I think you would agree that the question of who should or should not be included in Orissa is an important one among the people concerned. The vexed question about this part is really whether a particular tract is really Oriya or not?—(*Mr. Hubback*): I should certainly say so.

2. Now, passing on to the financial position, I take it the general objection to setting up a separate Oriya province or transferring the Oriya tracts either from the Central Provinces or from Madras to the main tract of Orissa is mainly financial?—That is the principal objection in Bihar and Orissa.

3. We have here set out in the memorandum, by the Raja of Kanika and others, certain figures, and we have in your memorandum on the financial aspects (which I will call Finance A), page 404*, estimates of revenue, and we also have this put in—Approximate Estimate of revenue and expenditure of Orissa—(which I will call Finance B). We have here an estimate of revenue and expenditure. Now, taking it broadly, the memorandum points out that in Appendix D there are certain minor errors, and that three require special remarks, and you say "The "excise revenue shown apparently includes about "TRs. 8·50 which is the price paid by the local Govern- "ment to the Central Government." I do not quite see how that comes in. It is on page 402 of the memorandum?*—I think Mr. Tallents would be better than myself on that point.

Mr. Tallents: The opium which is consumed in this province is supplied by the Government of India, and until recently no entry was made of the actual price of opium in the local Government's account, either on the receipt side or on the expenditure side. The local Government acted as it were as agents, and they took some profit as the opium passed through their hands. That system has changed and we now show in our accounts the full price of the opium and the full price which we recover from the purchaser. The public pays the same, but it is a different method of accounting. It now appears both on the expenditure side of our budget and on the revenue side. We get excise revenue from opium as we always did, but the price of opium itself is shown on both sides of the budget.

4. I see you add: "* * * for the opium "consumed in Orissa, which takes 90 per cent. of the "whole consumption of the province"?—(*Mr. Hubback*): I think I could answer that, sir. The difference is Rs. 8,50,000. That is already included in the Oriya memorandum in their figures. If you look at page 404, paragraph 6*, the figure totals up to TRs. 98·23. It is included in the first item of that "1925–26 distributed." On the other hand the Finance department, in the budget estimates 1926–27, the estimates in the opposite column, the right-hand column, did not include that in the "distributed," and therefore it has been added now as an additional revenue of Rs. 8,50,000, which is again shown as an additional expenditure when you come to the expenditure side.

5. Then you point out that the local cess cannot be included because that really belongs to the local authorities?—Yes.

6. And then you suggest that there is an under estimate for "income on other heads of revenue"?—Yes.

7. Now, turning to your latest figures, one point I notice is that that the Oriya memorandum estimates the increase of land revenue at TRs. 10,00, while you estimated it at TRs. 7,52, and now you come down to TRs. 6,48. What is the reason for that?—The reason for the discrepancy between the Oriya estimate and the Finance A estimate is that they were not in possession of the facts. The estimate in Finance A, TRs. 7,52 is an estimate which was given to me by the director of land records, which I think may be said to be correct within, say fifty thousand. Then when you come on to Finance B, in the interval between Finance A and Finance B the whole of the Sambalpur increase, which was TRs. 1,04, had actually come into the finances of the province. That is to say, it had been imposed and realised. The remaining increase from land revenue will not come into the public purse till about this time next year, so that TRs. 6,48 is practically what we expect to get from the coast districts. We have already got TRs. 1,04 from Sambalpur.

8. *Mr. Hartshorn*: Where do you find that figure TRs. 6,48?—In the single page that was issued a day or two ago.

9. *Major Attlee*: What you mean really is the difference between TRs. 6,48 and TRs. 7,52 is included in your TRs. 87,10 (Distributed)?—Yes. It is already in the "distributed" of Finance B.

10. Yes. Now, about your share (one-seventh) of undistributed, will you say what that means with regard to expenditure? Does that include expenditure on head-quarters establishment and so on?—Yes, head-quarters establishment, High Court, university, and so on.

11. And this does not allow for new head-quarters? You are including part of the cost of the present?—Yes, proportionate to the population.

12. It might be argued that if a province was set up anew there need not be quite so expensive an establishment?—Yes.

13. Taking that as the general position, now, it is said that Orissa is a deficit area at present?—Yes.

14. The figures we get in Rai Sahib U. M. Sen's special report on the Ganjam area, much the most important area, show, I think, that the receipts were something like TRs. 25,06 and expenditure TRs. 36,42 on the Ganjam area?—(*Mr. Tallents*): Yes, sir; approximately, yes.

15. I gather that no one can quite say whether the other places will show a plus or a minus?—(*Mr. Hubback*): That is so, sir.

16. And you fear that if they showed a plus, Bengal and the Central Provinces would be unwilling to part with them?—And if they showed a minus we should be unwilling to take them!

17. Now, taking the general position as indicated by that it seems to show that by adding together all the Oriya tracts to whichever province is going to have them there is going to be a deficit there?—Certainly.

18. And if they start anew they will have a deficit there?—Certainly.

19. And with little prospect of expansion of revenue?—I think so.

20. There is no possible development in minerals?—Certainly none.

21. And at the present moment taking this Oriya-speaking block, the loss is divided between various provinces, I mean each of the provinces has a deficit area?—(*Mr. Hubback*): Certainly Madras has; we cannot say for certain about the Central Provinces. We certainly have.

22. The point is rather well put in the yellow memorandum. At the bottom of page 4 and at the

* Vol. XII.

top of page 5 they say : " Only in the case of Orissa, " finance proved to be the stumbling block of the " authorities. Recently our Intermediary Ruling " Races in the All-Parties Conference (that is a " reference to the Nehru Report, I think) that met at " Delhi and Bombay have also stumbled on the same " financial rock. This mentality is the outcome of a " notion of Standardised Provincial Government in " all the Provinces of India." I think that raises quite a good point. It might possibly be that the Oriya people might say, " well, we will stand by " ourselves even if we have to have more or less an " elaborate outfit of government," or they might say that they will pay more taxes if necessary as they are keen on separation ?—(*Mr. Tallents*) : There is one point which ought to be considered in this connection and that is that in the next few years very heavy expenditure is bound to be incurred in Orissa which has not been incurred at present in order to try and prevent flood damage. We have had recently a committee which has estimated that the capital expenditure will involve about 30 lakhs of rupees.

23. I suppose that damage by flood is not treated on the same lines as famine, as being a sort of thing for which money should be put year by year and spent when occasions arise ?—It has been recognised that the famine relief fund can be drawn upon in the event of flood.

24. *The Chairman* : I want to know more about the report. Who appointed the committee to which Mr. Tallents was referring ?—The local Government.

25. Was there any representative from the Government of India on the committee ?—Yes, sir.

26. Who was that ?—Mr. Harris, Consulting Engineer.

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31. *Major Attlee* : Well, this flood liability that is coming on has got to be paid for by some one, and as things are organised at present, I gather that it is going to be paid by Bihar ?—(*Mr. Hubback*) : Yes, as things are organised at present.

32. I take it that the Oriya representatives are in a minority in the Government of Bihar and Orissa ? —Yes.

33. I suppose they might perhaps reasonably apprehend that if in any future development of self-government in the province they as a deficit area would not be regarded with great favour by the majority in the paying area ?—I think that is a fair deduction from the present situation.

34. We had yesterday not a very, very rosy picture of the finances of Bihar and Orissa ?—(*Mr. Tallents*) : Not at all rosy, sir.

35. And therefore when once you start a new province of Orissa they would not have much money for expansion ?—No.

36. Would Bihar be in any way a loser if there is separation ?—That rather depends on whether the present financial settlement was to be upset. If the present financial settlement was to remain and Orissa was removed, certainly Bihar would not be a loser.

37. What do you mean by financial settlement ? Do you mean a variation in the Meston Settlement ?— If Orissa was separated from Bihar there would be a readjustment of the settlement of the revenues.

38. Then is the revenue settlement of Bihar and Orissa based on the fact that Orissa is a backward or a deficit area ?—No, you cannot say that. No special concession was shown to the province because Orissa was a deficit area.

39. I do not understand what you mean by re-adjustment of the settlement of the revenues. Do you refer to the question of contributions to the Central Government under the Meston Settlement ?—I refer not only to the question of contributions but to the distribution of the sources of revenue.

40. *Lord Burnham* : Income-tax is important, is it not ? Will that be affected ?—What we get from income-tax in this province ranges from about 2½ lakhs to 3 lakhs a year.

41. *Major Attlee* : Does that arise from Orissa ?— I think the greater part of it comes from Bihar ; that is only a guess.

42. Have you considered whether the present plan adopted of putting the poor relations with their wealthy relations, like Sind with Bombay and Orissa with Bihar, is sound from the point of view of the wealthy relations ? It might possibly be settled under a different form of settlement by the Government of India in which equalisation would be applied all round. At present it seems to me that certain provinces are saddled with deficit areas—these areas may be inconvenient from the point of view of administration, but all the same they are saddled with some provinces. In the case of the Punjab it goes on happily without any deficit area attached to it ?— I do not know about the Punjab.

Major Attlee : You find here a case where you are linked together and Bihar has to stand a racket from the whole of India. But the Punjab is more or less a homogeneous area. . . .

43. *The Chairman* : Perhaps we must draw a distinction between the cases in which a richer member of the family maintains his poor relation and the cases where a richer member of the society is called upon to maintain somebody not very closely related to himself. It is but right that the richer portions of a homogeneous area should shoulder some of the burdens of a less prosperous area. But it seems to me the strength of the case as put is that not only is there a striking difference in financial position but, according to the contention of many people, the Orissa area does not really bear a very close relation to the Bihar area. Is not that so ?

Sir Hari Singh Gour : No relation at all.

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44. *Babu Lakshmidhar Mahanti* : Will you say what are the main objections to the transfer of Singhbhum to Orissa ?—(*Mr. Hubback*) : The principal objection I should put it is that the Oriya-speaking population is, as far as I recollect, 1,40,000 against a population which speaks the tribal language of Ho 2,50,000, a Bengali-speaking population of about 1,20,000 and outside that a Hindu-speaking population of about 50,000.

45. Have not the aboriginal tribes there more affinity with the aboriginal tribes living in Orissa ?— No ; there is much more affinity to the Chota Nagpur tribes.

46. Are you aware that most of the aboriginal tribes in the villages of Singhbhum speak Oriya ?— I do not think that is a fact.

47. Is there any provision for Oriya schools in Singhbhum or are the students forced to learn only Hindi ?—There is some provision of Oriya schools, but most of the schools where an alien language is taught are Hindi schools.

48. Is it a fact that Oriya has not yet been introduced as a court language in Singhbhum ?—That is so.

49. And the Oriyas are repeatedly representing that matter to Government ?—They represented in 1916 and again in 1919. There was no representation to the local Government, as far as I am aware, between that and 1927, when it was represented in that year and again in 1928.

50. Are not the Oriya states of Kharsawan and Saraikela adjacent to the Singhbhum area ?—They are practically islands in Singhbhum, island territories, that is to say, feudal States almost entirely included in Singhbhum British territory.

51. They are Oriya States ?—Oriya is the court language in those States.

52. And the zamindars are Oriyas ?—I believe so, I cannot say with absolute certainty. If you say so, I am prepared to take it from you.

53. Are not the aborigines in those States mostly relations of the aborigines of the Singhbhum district ? —I am not very well aware what the population in those two States that you mention is, though it is not at all unlikely that they are also Santals and Hos.

54. Have the Hos any written script ?—No.

55. They have got only a spoken language ?—Yes.

56. Do you know what script they use ?—I am afraid I do not.

57. Do you know that Bengalis with a less population have been able to secure Bengali as court language in the Dhalbhum sub-division in the Singhbhum ?—That is because they are very much concentrated in that particular part of Singhbhum.

58. Do you know that in the villages there are no Hindi-speaking people at all ?—I certainly do not know that. I do not quite understand the point.

59. In spite of the fact that no one speaks Hindi, the schools teach Hindi and the people are compelled to learn Hindi ?—Do you mean to say that in the villages there are no people who speak Hindi ?

60. Yes ?—I should not have gone as far as that; but I am afraid I am not absolutely certain. A considerable part of the Hindi-speaking people will be concentrated in Jamshedpur and I believe in one or two other centres. But I should imagine that there are parts where Hindi is spoken in the villages.

61. Do you not agree that they are mainly Hos and Santals ?—I think the aboriginal population in Singhbhum is mainly Ho, but there is a considerable element of Santals as well.

62. Do these Hos and Santals speak Hindi ?—I think they mostly speak only their tribal language.

63. As regards the Central Provinces, is it a fact that the Central Provinces Government once agreed to part with Phuljhar and Khariar zamindaris ?—I believe the Central Provinces Government did change their minds. The fact is brought out in this memorandum.*

64. On page 545 of the memorandum† they say: "There was a *prima facie* case for transferring the "Khariar zamindari estate of the same district in "which the Oriya population amounted to 77 per "cent. of the whole and filled a compact area ?"—I am aware that that was the recorded opinion of the Central Provinces Government in that year.

65. Can you say why the Central Provinces Government subsequently resiled from this view ?—I am afraid I am not in the counsels of the Central Provinces Government.

66. Have they not given any reasons in their letter to this Government ?—I think the reasons are stated in paragraph 27 on page 549 of the Government of India memorandum.† It is stated there, "The "zamindari was bound to the Central Provinces by "its land revenue system, and by its trade which "remained in the direction of Raipur; with the "completion of the Raipur-Vizianagram railway, "the interests of the estate would be still more "closely connected with the Central Provinces."

67. Do you consider that a very good ground ?—It is not for me to judge the ground offered by the Central Provinces Government.

68. Is it not a fact that in the case of all boundaries between two Governments one language is likely to melt into another language ?

The Chairman: That is certainly true all over the world.

69. *Babu Lakshmidhar Mahanti*: May I refer you to page 407 of the memorandum‡ wherein it is stated, "It is improbable that there is any substantial excess "of the former over the latter (and if there were the "Central Provinces would probably object strongly "to the transfer) while there may be a deficit" ?—I think I should have put it that the Central Provinces Government's case would be even stronger than it is at present.

70. Is it a fact that the Madras Government object to the transfer of the Ganjam district to the Orissa province ?—Yes.

71. Very strongly ?—Yes.

72. Would you apply this test—the test laid down on page 6 ?—The Madras Government's case I understand—it is difficult for me to say with certainty in a matter of this kind—is that even though it would relieve them of 11 lakhs deficit they still strongly object to the transfer.*

73. Mainly on financial grounds ?—No. It would be a benefit for them if it were transferred. But they have other grounds which outweigh the financial grounds. I take it that the 11 lakhs does not mean nearly as much to the Madras Government as it means to us.

74. What are the grounds ?

The Chairman: I think they are dealt with rather elaborately in this memorandum which I gather you have studied, "The Amalgamation of the Oriya-"speaking Peoples."† Do you think it is necessary, especially as we are anxious to hear the deputation which is waiting outside, to ask the witness by word of mouth to give you what is here stated in the report ?

Babu Lakshmidhar Mahanti: I understood that the Madras Government's objections were mainly financial.

The Chairman: The only answer which this witness, who is an official witness, would be able to give will be based on the document. Unless you think that there is any other matter which is not mentioned in the Philip-Duff Enquiry Report and which you wish to bring out, this witness could not possibly say what is in the minds of the Madras Government.

75. *Babu Lakshmidhar Mahanti*: Were these figures collected by Mr. Sen tested by the Bihar Government or any other Government ?—(*Mr. Tallents*): They were tested by the Madras Government, and the Accountant-General of Madras, and they had no important remarks to offer. To such remarks as we received due notice was given.

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78. *Babu Lakshmidhar Mahanti*: I will refer only to broad points. May I refer you to page 408‡ of your memorandum wherein you say that the revenue is unlikely to exceed TRs. 1,30,00, while expenditure on the present scale might well be TRs. 1,50,00. You say there is a deficit of 20 lakhs ?—Yes.

79. Does that figure include the 8½ lakhs paid as interest to the Central Government ?—(*Mr. Hubback*): The figures are necessarily exceedingly vague. You cannot get accurate figures in this matter. I may also point out that under what we have called "Finance B" there will be another 7 lakhs to be added to the deficit; that is to say instead of having a deficit of 20 lakhs we will have a deficit of 27 lakhs.

80. Is not the Bihar Government also complaining against this item ?—(*Mr. Tallents*): Bihar will be very pleased to be relieved of that charge.

81. Do these figures include the figures for Angul ?—Yes.

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* Vol. IV, p. 525. † Vol. IV.
‡ Vol. XII.

* *See* Vol. VI, p. 573–9. † Vol. IV, p. 525.
‡ Vol. XII.

PATNA.

Dated, 17th December, 1928.

PRESENT :

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND AND RAO BAHADUR RAJAH), AND OF THE BIHAR AND ORISSA PROVINCIAL COMMITTEE.

Mr. R. R. SIMPSON, Chief Inspector of Mines, Mr. R. E. RUSSELL, I.C.S., Revenue Secretary to the Government of Bihar and Orissa, and Mr. D. C. GUPTA, Director of Industries, Bihar and Orissa.*

The Chairman : As you know, we are beginning this morning with some information on industrial and mining matters. I think we have here Mr. Gupta, the Director of Industries, Mr. Russell, the Revenue Secretary, and Mr. Simpson, the Chief Inspector of Mines, who holds a position under the Central Government. * * *

1. *Mr. Hartshorn* : I propose to ask a few questions of Mr. Simpson, and to confine my questions to mining. Could you tell us, Mr. Simpson, how many inspectors in addition to yourself have been appointed, and have worked in the coal mines of British India ?—(*Mr. Simpson*) : Nine, including an electrical inspector of mines.

2. All of whom are officials under the Central Government ?—Yes.

3. I see in the Mines Act that the local Government can appoint district magistrates to exercise the powers and perform the duties of inspectors ?—Yes.

4. Would you tell us whether that power has been exercised, and whether these district magistrates are acting as inspectors ?—They are to a limited extent. It is a matter of great administrative convenience that a district magistrate should be able to initiate proceedings in a distant province. We are very few, and we travel about, and we cannot always be there, and if we had to send an inspector to prosecute a man who will not submit an annual return, or some small thing like that, it would be very inconvenient ; and the district magistrate, in a case like that, does it usually at my request, and they do to some extent inspect mines in these parts which inspectors only visit occasionally ; and we find it helpful.

5. Do they at any time go underground and make inspections ?—Not often ; very rarely.

6. They do occasionally ?—Occasionally ; very occasionally.

7. On whose initiative would they go underground ? On their own ? I should like to know under what circumstances the district magistrate would undertake the duty of inspecting a mine ?—I can only remember one instance of it actually being done, and that was in the Chhindwara district in the Central Provinces, and it was done there not only because the district magistrate was an inspector under the Indian Mines Act, but also because he was responsible for the collection of the revenue on the output of the mineral ; and he wanted to see to what extent they were working the minerals correctly. What he did actually was to make a long report and send it to me to ask me my opinion about it.

8. So that the ordinary work of an inspector is not to any extent being performed by these magistrates ?—Oh, no ; in fact, in the Central Provinces they have actually been told that they are not to do such work. If they think a prosecution should *prima facie* be instituted in any particular case, they are required to consult the chief inspector.

9. How many persons are employed in the mining industry ?—270,000 in India.

10. Does that include the Indian States ?—No ; I am speaking of British India.

11. That is British India alone ?—Yes.

12. And how many in this province ?—I think about 155,000.

13. Of the 270,000 persons employed, can you tell us how many are on the surface and how many underground ?—Yes. Altogether 87,000 men and 32,000 women work underground, and when I say underground I do not include open workings.

14. Is there any provision in the Act which enables the workmen to appoint persons to inspect the mine on their behalf ?—No.

15. There is nothing corresponding to the provision in the Mines Act in England ?—Nothing.

16. Do not you think it would be a good thing to make such a provision ?—I do not think it would ever be used. It is used very little in England, as a matter of fact ; at least, so I am informed.

17. I do not know that I should accept that statement.—In the chief inspector's annual report the number of inspections recorded as having been made is very small.

18. I know that in Wales for many years it has been done at quite a lot of collieries monthly, systematically. However, you say there is no such provision in the Mines Act here ?—No.

19. Is there any provision requiring that before a workman shall work alone at the coal face, he should have had some period with a practical skilled miner ?—No, but as a general practice it is done.

20. But there is nothing to prevent the manager putting a quite inexperienced person to work on the coal face in these mines ?—That is true.

21. Does not that involve the workmen in a very large number of accidents ?—No, on the whole the number of inexperienced men injured is not large. We usually inquire as to how long a man has worked when he has met with an accident, and we find it is only occasionally, and not as a rule, that a new worker at the face gets injured. It is more often the new-comer who gets hurt on the shafts or the roads, by being run over. Very rarely do we find a new-comer injured at the face.

22. What accidents have to be reported by the management ?—The term " serious injury " is very much the same as " serious hurt " in the Indian Penal Code. It boils down to a fracture of a limb or absence from work for twenty days. Those are the two main things—or permanent injury to the eyesight, or hearing.

23. I see the definition given in the Act for serious bodily injury is that it means any injury which involves or in all probability will involve the permanent loss of the use of or permanent injury to any limb, or the permanent loss of or injury to the sight or hearing, or the fracture of any limb or the enforced absence of the injured person from work for a period exceeding twenty days ?—That is so.

24. *Dr. Suhrawardy* : That is the definition of " grievous hurt " in the Penal Code ?—Yes. I said " serious hurt," but I meant " grievous."

25. *The Chairman* : It is much the same as the definition for the purposes of criminal law of grievous hurt ?—Yes.

26. *Mr. Hartshorn* : Do you get any accidents reported which disable men for a less period than twenty days ?—Yes, quite a number.

27. I mean, is the obligation imposed upon the owners to make reports ?—Yes, quite a number of such accidents are reported, and when it subsequently

* Mr. Russell also gave evidence in connection with the Backward Tracts, *vide* Vol. XVI.

transpires that they get better before the end of twenty days, I exclude them.

28. How many of these serious injuries had you last year ? Have you the figure there ?—I think it is about 500 odd.—I see it is 680, as compared with 505 in 1926.

29. That is 680 accidents. How many persons were injured in those accidents ? Is that the number of accidents or the number of persons injured ?—It is practically the same—713.

30. 713 persons injured ?—Yes.

31. How many were killed in the industry last year ?—247.

32. Can you tell us how many of those were women ?—Thirty were women.

33. Is there any obligation upon the coalowners to supply medical appliances ?—Yes.

34. Ambulances, stretchers, splints and bandages ? —Yes, there is a rule requiring that.

35. Do you see that that is carried out ?—Yes.

36. These things are provided at the colliery in readiness ?—Yes. A great number of them have hospitals. In the coal mines they nearly all have a doctor, or retain, with the help of other neighbouring mineowners, the services of a doctor.

37. Have you any rescue brigades ?—No.

38. Is no training of any kind being given in ambulance work ?—Oh, yes, we have got a very thriving ambulance organisation, and some hundreds every year are actually trained. Last year classes were held at 45 centres in the Jherriah coalfield alone. 940 attended, and 657 certificates were awarded, and there were 14 centres in the Raniganj coalfield. 286 people attended, and 210 obtained certificates.

39. Do you find that the miners take an active interest in this work ?—Well, not very many miners actually go to these classes. It is more the superior staff, the subordinate staff.

40. And they take a keen interest in it ?—Yes, they take quite an interest.

41. Have you a sufficient number of those trained to attend to first-aid work in the case of injuries at the mines ?—Our rules require that one in every 100 employees shall have a certificate.

42. What are the hours of work provided by law ? —Fifty-four hours underground, and sixty on the surface, in the week, and one day of rest.

43. That is to say, they can work as many hours as they like in any one day ; it is not limited to ten hours per day, but to sixty in the week on the surface, and fifty-four underground ?—Yes.

44. And they cannot work more than six days a week ?—No.

45. What happens in the case of week-end work, to keep the boilers and the steam going, and the feeding of the horses ?—There are a certain number of people exempted from that provision.

46. In any case, every workman employed at the mines here must have one rest day in the seven ?— That is so.

47. These hours provided in the Act are maximum hours, of course ?—Maximum, yes.

48. Is the maximum enforced in all the mines ?— Yes, as far as possible. It is a little difficult with a small staff, but we examine these registers, and if we find anything wrong we draw attention to it. In a few cases we have actually prosecuted.

49. What I meant to ask was this. Do all the coalowners insist upon getting their sixty hours out of the surface workers, and the fifty-four hours out of the underground workers, or have any of them arranged a shorter working week ?—Many of them get a very much shorter working week, but I do not know whether they have arranged it. I should say that on the average the coal miner works very much less than fifty-four hours in the week. The average mica miner, I should think, works less than thirty hours a week.

50. Yes ; I am confining myself to the coal miner ? —Yes.

51. Have you found it necessary at all to institute proceedings against any of the managers for violating these hours provisions ?—We have prosecuted on some occasions.

52. I think the law provides that no person under 13 years of age should be employed either underground or on the surface. Is that correct ?—That is so, yes.

53. Do you think that is being observed ?—Yes, I think it is being very well observed now. Of course, there are borderline cases ; when an inspector comes across these he points out that that youth or girl looks rather less than 13, and the management always agree, and stop the child working.

54. I think at home the obligation is placed upon every colliery manager to see that he has a birth certificate ?—Yes.

55. He keeps it at the colliery ?—Is that so ?

56. It is there for the inspection of the inspector whenever he calls and asks for it, is it not ?—Yes.

57. You have not got that here ?—No. You see, there is no compulsory registration of births in this country. They have got no certificates.

58. You think there would be great difficulty in getting all the birth certificates deposited in the colliery offices ?—There are no such things. I can remember a few years ago it was very hard even for a European to get a child registered.

59. Have you found it necessary to prosecute on account of persons below the age of 13 being employed ?—We have prosecuted sometimes ; not often.

60. Not on many occasions ?—No.

61. You think generally speaking this law is being observed ?—Yes, I think well observed.

62. I would like to ask you a question on a matter that is referred to under Public Health in this book, at page 288, paragraph 444*. There is a very interesting paragraph here about that matter. It is headed " Public Health in the Coalfields." It says : " A special problem in public health, which has been " before the Government of Bihar and Orissa since " the province was created, is the sanitary control " of the Jherriah coalfield area, which extends over " 900 square miles, and is very far from being " completely urbanised. To solve this problem a " Mines Board of Health was created to enforce " sanitary principles, while a Water Board was " formed to provide a pure water supply." Then it goes on to say that in 1919, before this Mines Board of Health was brought into existence, there were no fewer than 4,000 cases of cholera, resulting in more than 2,000 deaths, and that since this Mines Board of Health has been created, between 1920 and 1925, in the last six years, that is to say, there have been only 1,479 deaths ?—Yes.

63. It seems to indicate it has been a very good thing to have created this Mines Board of Health. Am I correct in assuming from what is stated here that the finance for carrying out the functions of this board of health is provided by the colliery owners and the royalty owners ?—That is so.

64. What form does the levy take ?—It is so much per hundred tons of coal despatched. At present it is Rs. 1.4.0.

65. That is as far as the colliery owners are concerned ?—Yes. I think the royalty owner pays one-seventh of what the colliery owner pays.

66. So it is really a tonnage levy ?—Yes.

67. On the coal sold ?—On the coal despatched.

68. I suppose this board was set up under a special Act ?—Yes.

69. How is it composed ?—It consists of a chairman and three, four or five nominated Government officials, and so many elected representatives of the mineowners and so many elected representatives of the royalty owners.

70. Does this board of health take the place of the district board for these purposes within the area of the mines ?—No. There is within the same area a district board and a local board, in addition to the water board and the Board of Health.

71. It is difficult to see how they function in

* Vol. XII.

regard to each other ?—The district board looks after the hospitals, for instance. We sometimes co-operate with them and perhaps give a subsidy in a certain area for a dispensary. There is a certain amount of co-operation between the boards.

72. You think it is a very good thing to have created within the mining area ?—It has had a wonderful effect on the health of the mining community.

73. Does the Act provide for the continuance of this levy on the industry ? Is it a permanent thing ?—It is permanent. There are two boards; there is one in the Asansol district in Bengal and one in the Jherriah coalfield.

74. What has been done with a view to getting women out of the mining industry ?—There has been a good deal of talk; it has not got further than talk yet. Regulations have been drafted, and they are under consideration.

75. I understand the legislature conferred authority on the Government of India as far back as 1923 to take the necessary steps to get the women out of the mines ?—Yes.

76. Has nothing at all definite been done in the last six years ?—Regulations have been drafted and discussed and sent backwards and forwards. The great trouble has been the economic difficulty. It is feared the price of coal may be very much increased, and at present the industry is so much depressed that a certain amount of delay has no doubt been caused for that reason.

77. When I was in Delhi I made some enquiries about this matter, and I was informed by a member of the secretariat that a regulation had been decided on and circulated, I think, to the effect that from April, 1929, not more women should be employed than were employed in 1926 ?—Yes.

78. And that thereafter the number should be reduced by 10 per cent. per annum ?—That is roughly the idea.

79. Which would clear the women out of the mines by 1939 ?—Yes.

80. I have been told unofficially since that that circular has been withdrawn or has not been put into operation. Is that the position ?—No regulations have yet been made; it has not got beyond the stage of discussion. The Government of India have published a draft for consideration and they are now considering the final reply. This will be the last time, I think.

81. Even if they get through with this draft now, it will be sixteen years from the time the legislature authorised the doing of this before it will be done ? —Before women will be completely excluded, yes.

82. And up to now you have not even got anything definite decided ?—No.

83. Do you think it is likely to fall through on account of the opposition of the coalowners ?—Speaking purely for myself, I do not think it will fall through.

84. *The Chairman*: There is just this I should like to know on this subject. We appreciate it is a Central subject, but it is a subject on which I apprehend it is possible for the Legislative Assembly to express its view. Are there resolutions which have been moved or passed in one direction or the other in that body on the subject of the employment of women in mines ?—Yes. Government have definitely decided that they will introduce legislation. The only matter under discussion now is as to how it is to be done—by what machinery women are to be excluded.

85. You have misunderstood my question. I was not asking what Government's opinion was; I was asking about the Legislative Assembly. Are you a member of it ?—No.

86. But of course there will be somebody there who represents the department ?—Yes. In 1923, when the Mines Act was passed, there was a definite undertaking given by Government that legislation would be introduced to bring about the cessation of the employment of women in mines.

87. I am very sorry; no doubt it is my fault. I am not asking about Government giving undertakings, but as to whether you can give me any information as to the view of the Legislative Assembly on the subject ?—I do not think they have many ideas on the subject, really. They do not know much about it. There is not a single mining representative in the Assembly; there are representatives, that is, but they have no practical knowledge of mining. I think the Assembly looks on it entirely either from the humanitarian or the commercial point of view.

88. Those are two very important points of view, in fact, I cannot imagine what other points of view would have much bearing on the subject. The humanitarian and the commercial points of view are the two considerations, are not they ?—Yes, but my point is they are made by people who have no intimate knowledge of the subject. The ordinary man in the street thinks, " Here are these women " in the mines. They ought not to be there; let " us take them out."

89. Now we have come to the man in the street, but I want to know whether or not in the Legislative Assembly, so far as your knowledge goes, there is an expression of public opinion, whether it be humanitarian or whether it be commercial, on the subject of the employment of women—and children too, I think—below ground in the mines ?—I do not think any very definite expression of opinion has been made.

Sir Arthur Froom: Attached to the Industries and Labour department is an advisory committee, and this advisory committee includes members from the Legislative Assembly and from the Council of State. Not very long ago at a meeting of this advisory committee it was resolved that women should be excluded from working underground in mines in ten years. The Legislative Assembly were therefore represented to that extent. This regulation which is to be introduced has been accepted by the owners.

90. *Mr. Hartshorn*: If it has been accepted by the owners, why is not it in operation ? I understood from the witness that correspondence was passing, but that no decision had been reached, and there was some difficulty in the negotiations ?—It is the manner in which the exclusion should be brought about; that is the trouble.

Sir Arthur Froom: The machinery for putting it into effect is the difficulty.

91. *Mr. Hartshorn*: You said an undertaking was given in 1923 that legislation would be introduced ? —Yes.

92. I do not know whether I am correct or not, but I am under the impression that the Act at present confers the power ?—There is the power, yes.

93. What is legislation required for in this matter ? —The making of regulations. The Act gives the power, but the work of women in mines is not actually prohibited under any section of the Act; there is only a regulation-making provision.

94. Is not it the case that only regulation is required, and not legislation ?—Regulations have not yet been made.

95. But you do not have to go to the Assembly again ?—No, it is not necessary to go to the Assembly again.

96. The matter is entirely in the hands of the Government to put it into operation when they can ? —That is so.

97. *The Chairman*: I should like to ask Mr. Gupta a question. Will you tell the Conference shortly, Mr. Gupta, what is the main scope of the work of your department ? You of course form part of the administration of the province ?—Yes.

98. You are called Director of Industries for convenience, but I do not understand you do direct industry ?—We have no Government industries here under this department, but that was the name proposed by the Industrial Commission.

99. It is quite a good name, but I want to understand what it is you do ?—Technical education is one of the branches; industrial development is another, and a great deal of work is undertaken by the department for the revival of cottage industries.

100. That will come under industrial development, will not it ?—Yes.

101. There are two main departments, I gather: technical education is one, and industrial development is the other ?—Yes.

102. A very clear and excellent account of the technical education branch is given on pages 250 and 261 of the big book*, so I will not ask about that myself, but I should like to ask a question about industrial development. The description of that begins, I see, with paragraph 380 on page 251 ?—Yes.

103. There is a good deal of textile work done in this province, is not there ?—The hand-loom industry is known as the textile industry. We have no factory textile industry ?

104. I call it textile because it is weaving ?—Yes.

105. It is a cottage industry, is it ?—Absolutely.

106. I understand the work of your department in that direction consists in encouraging the use of improved appliances amongst the cottage weavers: is that so ?—Yes.

107. By demonstration parties, by practical training in Government institutes and by introducing improvements in the trade organisation of industry. Who are the cottage weavers weaving for ? Are they their own masters, or are they weaving for others ? —They are really supplying through the middlemen, but very often they are also weaving independently; they buy their own material, weave the cloth and take it to the market for selling. In some places there are co-operative organisations also, but generally speaking, probably these men are dealing through middlemen, who take up the products and distribute them throughout the country.

108. Who are the middlemen ? What sort of people are they ?—Commercial men. They are called *banias* here.

109. We know all about *banias* by this time! What is the ordinary organisation ? Have they a whole number of cottage weavers who are working for them ?—I should say the *mahajans* control a large number of these weavers, but there is no uniform practice in this regard. There are weavers who are quite independent of the *banias*. The difficulty of most of these cottage weavers is that they have to depend on the *mahajans* for financing them; they have no capital to speak of, and naturally they have to borrow from the *banias*.

110. Are they ordinarily in debt to the *banias* ? —Ordinarily they are.

111. For their looms ?—Not for their looms; only for working capital to finance their calling.

112. You said something about co-operative societies. There is probably a separate officer who has the organising of co-operative societies in this province ?—Yes, that is under the Co-operative Department.

113. So I suppose. Does he work in conjunction with your department ?—We are in close touch. I have nothing to do with the organisation of the societies, but once the societies are formed, or before they are formed, my department is consulted and we co-ordinate our efforts. Mine is the technical work and theirs the commercial.

114. I quite see that. Perhaps you can tell me this, even though it means going outside your own department. Has there been, do you think, progress in the organisation of co-operation among these cottage weavers ?—Industrial co-operative societies have just begun. I should not say the matter had come to a definite stage of development. There have been failures. I should put it in this way, that a start has been made, and wherever the societies have been organised on proper lines they have shown progress.

115. That is satisfactory as far as it goes, but it may cover very little or a good deal. Are there some statistics we can see which will show for the last six years, say, how many co-operative societies for weavers have been founded, what their capital is, what their membership is and how far they have extended ?—I am sure the registrar of co-operative societies will be able to supply this information.

116. You might get into communication with him and say we would like to have a small return which shows these things, would you ?—Yes.*

117. When I get to another part of the province I shall want to see one of the societies, so I should like to know a little about it ?—Yes.

118. *Colonel Lane-Fox*: I understand from you, Mr. Simpson, that the Legislative Assembly does not, as a rule, take much interest in mining problems, and has been content to hand the matter over to an advisory board ?—(*Mr. Simpson*): When any question comes up they refer it to a select committee. In that way, for example, the Mines Bill was hardly discussed at all in the Assembly, but was referred to a select committee, which put forward a Bill which went through with very little discussion. Mining is a subject about which the general body of legislators know very little indeed.

119. But do not you find that the members who represent the mining districts are getting a little restless ?—There are no representatives of the mining districts.

120. But someone sits for the districts where the mines are ?—Yes. There are perhaps only one or two who take any interest whatever in the question.

121. But they cannot sit for a mining district and not take any interest in their constituents ?—There is not such a thing as a mining district constituency.

122. There are large areas in which mines exist. Do you mean that the members of the Assembly who sit for those districts take no notice of that important part of their constituents ?—Yes. The only people who have taken any considerable interests have been those who represent Calcutta commercial firms, who have big interests in the mining districts.

Colonel Lane-Fox: But as regards the representation of the industry, the Legislative Assembly takes very little part ?

123. *Mr. Hartshorn*: I suppose the trouble is that the miners have not any votes, or only very few of them ?—I think our local members are largely landowners. They are interested chiefly in land questions.

124. *Colonel Lane-Fox*: Do you know how your accident rate compares with that of other countries in the world, generally I mean ?—It is just about the same as in Great Britain, very much the same figure —about 1 per 1,000.

125. And your pits, I suppose, are not of very great depth, are they ?—Some of the coal mines are as deep as 1,500 feet, but the average is probably not more than 300 feet in depth.

126. And have they been working for any great length of time. Is the distance from the shaft bottom to the working face far ? What sort of distance is it ?—In no case is there any great distance. Half a mile, I should say, is the greatest.

127. So that the conditions of working are fairly easy ?—Yes.

128. *Lord Burnham*: A question has been raised as to the interest taken by members of the Assembly in the welfare of these mining people. It is the case that the efforts to regulate the labour of women and children in mines have been made solely to conform to the international conventions to which India put her hand, made at the International Labour Conference in 1921, and not to any movement in the Central Legislature itself apart from that ? —That is so.

129. Then how far are you, at the moment, honouring the pledge given at Geneva without

* Vol. XII.

* *See* Note on p. 312.

actually carrying out the limitation of hours in practice ?—We are limiting hours.

130. Yes, but is that being carried out in administration practice ?—Yes, as far as possible.

131. Then you go on to [the extent of the Convention of 1921 ?—Yes.

132. Is there any convention in respect of the labour of women and children in mines which is not being observed, as far as you know, in this part of India ?—I do not think so.

133. *Mr. Hartshorn*: By which you mean, I take it, that they will be observed when this regulation comes into operation, and become effective. I mean, as a matter of fact, it has not been done yet: the convention has not been complied with yet ?—No.

134. In addition to that 32,000 there would be a considerable number in shallow openings, would there not ?—Yes.

135. Can you tell us how many of those ?—In open workings there are 50,000 men and 28,000 women.

136. Could you tell us the number of women on the surface ?—Yes, 19,000.

137. That is a total of 79,000 employed in the industry, surface and underground ?—Yes, women.

138. *Lord Burnham*: In respect of the period of time taken in fully applying the convention, of course India being classed as a backward country internationally at the present moment, has extra time allowed, has she not ?—I am not sure precisely.

139. Are you being pushed by the International Labour Office in the matter of the employment of women ?—Not so far as I am aware.

140. But the International Labour Office is just setting up, I see, a separate office at Delhi ?—Yes.

141. I suppose you are sure to have enquiries made. Have you had any so far ?—No.

142. Is it the case, as I have been told, that there is great objection on the part of women to coming out of mines where they work in family groups ? —Yes, they do not like the idea at all.

143. It is the case that the mines in this part of India are worked on a system of family groups, is it not ?—Yes, more so in the past. It has rather broken down nowadays by machine mining. Machine mining has rather broken up the family system.

144. I have no technical knowledge of mines, but it is the case, I suppose, that the women carry the coal away that the man hews, is it not ?—Yes, that is so.

145. Therefore the system is essentially different from what obtains in, say, England or European countries in that respect ?—Yes.

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150. *The Chairman*: May I put one question which arises out of what Lord Burnham has put to Mr. Simpson. Lord Burnham was pointing out that the international convention was having its influence on the subject of improving conditions of employment in the mines of India. I just wanted to be sure that we were being quite fair to everybody. I have gathered from my reading that Mr. Joshi, the member nominated to represent labour, has raised this question a good deal, has he not ?—Yes.

151. I think we ought to have that noted ?—Yes.

152. I have been looking to see, not, of course, who the individuals are—that does not matter—but what the constituencies are in the Legislative Assembly which apparently would cover this important mining area. I see there is a constituency which is called the Chota Nagpur Division, which returns an elected member, a non-Muhammadan, and there is also a division called the Patna, Chota Nagpur and Orissa Division, which returns a Muhammadan ?—(*Mr. Simpson*): Yes.

153. There appears to be one member to represent the Patna, the Chota Nagpur and the Orissa Divisions ?—Yes.

***Mr. Hartshorn*: A nice, neat little constituency!**

The Chairman: I sympathise with the member for having such a very large area to cover.

154. *Major Attlee*: I have one or two points to raise with a rather constitutional bearing, perhaps. Your coal mines in this province are situated in the Manbhum district ?—Chiefly; not all of them, but the principal coalfield is there.

155. Do the coal measures extend into Bengal ? —Yes.

156. They extend across into——?—Into the Burdwan district.

157. Do they extend at all westwards towards Ranchi ?—Yes, there is a continuous string of coalfields right up westward from the Jherriah coalfield, right up into Central India, one after the other.

158. Do I take it that the Manbhum district is the best part of the coal area ?—It is considered to be the richest of the coalfields.

159. Secondly, I notice in this little volume on the State and Industry,* the Geological Survey has made an estimate of the iron ore in Singhbhum and Orissa ?—Yes.

160. And it states that there are about 3,000 million tons eventually ?—Yes.

161. Can you tell us, are metalliferous mines being opened to any extent in those areas ?—There are large iron ore quarries which are supplying ore to three different companies who are smelting iron.

162. Are they smelting in Singhbhum ?—Yes, Jamshedpur.

163. That is in the Singhbhum district, is it ?—Yes.

164. Can you tell me where the Orissa iron reserves extend ? Is it mainly into the Feudatory States, or do they come down into the districts ?—It is partly in the Singhbhum district, and partly in the Feudatory States. I could not say the proportion; one might say half and half. (*Mr. Russell*): I might explain that they do not extend into the Orissa district of British India. They are in the Singhbhum district of British India and in the Feudatory States of Nagpur.

165. I rather gathered that. Is there a likelihood in the future, as far as you know, of considerable developments in iron-ore mining, and consequently the possibility of large scale industry besides Jamshedpur being set up in those areas ? You have got the coal and iron close together ?—(*Mr. Simpson*): The industries are so depressed at present that there is no immediate prospect, but the future prospects are very good indeed. At one time, some time ago, at least, two other firms had projected large iron and steel works, but owing to the depression in industry and the difficulty in getting capital, nothing has been done yet.

166. You realise the point there is, that if you get the large industrial development, it is going to change the look of this province; it has a bearing on the rather peculiar division of income between the Central and the provincial Governments ?—Yes.

167. *Lord Strathcona*: Do you imagine, Mr. Simpson, that if you asked the average man or woman employed in a mine of any sort in India what the Legislative Assembly was or is, or what the Council of State is, or what the legislative council is, he would be able to give you any answer at all ? —He would not have the faintest conception.

168. Is not the real explanation of what has been said this morning that political education has not reached that low stratum in which we find the employees in the mines ?—That is so.

169. *Mr. Hartshorn*: You have told us about what is being done in British India with a view to complying with the international convention ?—Yes.

170. Could you tell us whether similar steps are being taken at the mines in the Indian States ? —Not to my knowledge. I think not.

171. You think nothing is being done ?—I think not.

Lord Burnham: I have seen it stated that something is being attempted.

* Vol. V, pp. 1363-1511.

172. *Mr. Hartshorn*: So far as you know, nothing is being done?—So far as I know. They have Mines Acts in these States; they are interested to a certain extent, but there is no proposal for abolishing woman labour in mines, and no restriction of hours.

173. That is what I wanted to know?—No, I do not think it has even been discussed yet.

174. And nothing with a view to clearing the children out of the mines?—I think not.

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175. *Babu Chandreshvar Prashad*: Mr. Simpson, you have said that the landowners are representing the mining interests in the Assembly?—Yes.

176. Can you tell me who they are?—I really do not know. I do not know who are the local representatives. They never appear in the district; they never make any speeches.

177. How could you come to the conclusion that they are landowners who are representing the mines?—I am afraid I should not have said it, probably. I thought they were landowners. They may or may not be.

178. You do not know?—I do not know.

179. Did you by "landowners" at the same time mean to include the term "mineowners"?—Oh, no, I did not.

180. *Rai Bahadur S. C. Roy*: You said labour in the coalfields had no idea whatever what the Legislative Assembly was. Have you ever put any question to any labourer in the mines about the Legislative Assembly?—No.

181. You have never had any talk with them about political matters?—Yes, often.

182. What sort? Did you ever have a talk with them about the Legislative Assembly or the legislative council?—No, because they would not understand it.

183. You say so, but you have not had any conversation with any labourer about the Legislative Assembly or the franchise or the legislative council or anything of that sort?—No. They would not have known what I was talking about.

184. *Sir Arthur Froom*: It is understood, I take it, that no further legislation is required to be introduced in the Central Legislature to prevent the employment of women in mines; the Government of India have power under the Mines Act to make the necessary rules?—Yes, but it is doubtful if they have power to regulate the employment of women in quarries. They certainly have in the case of underground mining.

185. It is a moot point whether quarries come under the Mines Act?—It is a moot point whether they can do it without further legislation.

186. With regard to the employment of women underground in mines, you are aware of the regulations Government propose to introduce to do away with the employment of women underground within ten years?—Yes.

187. I think you said in reply to a question by Mr. Hartshorn that the difficulty was to bring this into working effect?—Yes.

188. Could you tell the Conference what the difficulties are?—There were two main proposals. One was to give every woman a token which she was to hang round her neck or display prominently on her person somewhere, and if any woman was found underground who had not one of these tokens someone (it was not clear who, but probably the manager of the mine) would get into trouble. The idea was that one-tenth of these tokens should be withdrawn every year. The second proposal was that we should have a register, and that at no time should the percentage of women to the total number of employees exceed a certain figure, which would be reduced year by year; the women were to bear a certain and reducing proportion to the total number of persons employed.

189. The difficulty of putting this rule into operation has not arisen from opposition on the part of the coal mineowners?—Yes, I think so. They pointed out that this token system would be extremely troublesome to enforce, and said the women themselves would object. Another point was that whereas the mines are working one shift now, by working three shifts they could employ three times the number of women, using the same tokens.

190. Has there been any opposition to it on the part of the women themselves?—When they have been asked they have always said they did not want any interference, and I think they have a very good reason, for it will reduce their income; the family earnings will be reduced, unless the men are paid more.

191. Will they find any alternative employment?—They may or may not. If they are living on the mine, it may be difficult to give all of them employment on the surface.

192. But the fact that the family earnings would be reduced is not an argument against the necessity of removing the women from the mines. The women themselves may not like to be removed from the mines, because their family earnings will be reduced; but from the Government's point of view this should not in any way retard the introduction of the rules to prevent the employment of women in mines?—I think it has to some extent made Government hesitate to reduce the family earnings.

193. *The Chairman*: No doubt a good deal of time has elapsed, but I understood from what you told us earlier that the Government were in favour of excluding women from the mines?—They are.

194. They are prepared to carry the necessary regulations?—Yes.

195. I presume after whatever hesitation was necessary they have come to the conclusion that on the whole it is the right thing to do?—Yes. All that is past history. (*Mr. Russell*): Perhaps I may explain, as there seems to be some misapprehension, that the Government of India have definitely decided on the principle that women are to be excluded. They issued a draft regulation for examination and discussion, and as far as the principle is concerned we understand there is nothing more to be said; women will be excluded, probably from next year. The two questions still under discussion are (1) the exact system, whether it is to be done by the issue of tokens or by the preparation of a roster to be reduced every year, and (2) the date.

196. *Mr. Hartshorn*: When you say "women will "be excluded, probably from next year," you mean the exclusion will commence next year?—Yes. Next year will be the zero year.

Mr. Hartshorn: And the whole thing will be completed in ten years' time.

197. *Sir Arthur Froom*: I asked why it was so difficult to evolve a scheme for putting this regulation into effect?—(*Mr. Simpson*): Why it has taken so long?

198. Why is it so difficult to evolve a scheme which would have the effect of excluding women from mines at the rate of 10 per cent. a year, which means ten years?—It has not been my fault; I put forward a draft a long time ago. (*Mr. Russell*): The scheme was put forward by the Government of India and came under criticism afterwards. The draft regulation was sent out by the Government of India a year or more ago. It is since then that the practical difficulties have been brought forward.

199. And they have not been solved yet?—They are still under discussion. The various interests concerned have expressed their views and given alternative suggestions. The Government of India is considering those.

200. *Sir Hari Singh Gour*: There has been a delay of about six years since the Act was passed?—(*Mr. Simpson*): Yes.

201. The coal industry has been in a parlous condition all those six years?—It has been for the last three years, and the position is getting worse.

202. Is not it a fact the Legislative Assembly has passed a series of resolutions that South African

coal is unduly interfering with the home industry ?—It is interfering, yes.

203. You think that is not one of the reasons why the Government of India and yourself have gone slowly in the matter of making a radical alteration in the employment of women ?—It is quite possible.

204. The Indian mines, already struggling for existence, might be very seriously hit by a rapid change in the system of working the mines ?—Yes.

205. What has your Government done to improve the position of the coal industry during the last three years, seeing that it is so seriously threatened by overseas coal ?—They appointed a Grading Board which certifies the quality of the coal, and which has greatly improved the name of Indian coal in foreign markets.

206. That was one of the things suggested by the Government of India but the other difficulty with regard to home coal was the heavy freights, so that Bombay could not afford to buy Indian coal but found it cheaper to get South African coal, and therefore there was a motion that there should be a revision of freights ?—Yes.

207. What have you done about it ?—It has got nothing to do with me.

The Chairman: The Chief Inspector of Mines could hardly deal with that, could he ?

208. *Sir Hari Singh Gour*: Has your Government taken up this question ?—I understand they have fully considered it, but I do not know what they have done.

Sir Arthur Froom: Freights have been reduced, have not they ?

209. *Sir Hari Singh Gour*: Very little ; not enough to prevent South African coal coming in. As regards the non-employment of women, if you were to give effect to the international convention by not employing women, have you considered how far it will affect the man labour ? Will the man withdraw from the mines and say, " It does not pay ; I and my " wife and children used to work here and pool our " resources and go back when the agricultural season " was on, but now you are employing only me it does " not pay " ?—My personal opinion is there will be no trouble of that sort, but I know that is not the view of everybody.

210. There is a difference of opinion about that ?—Yes. There are people who say that will happen.

211. You do consider that is an important and material consideration ?—Yes.

212. In considering any radical change in the system of working ?—Yes.

213. I presume these are the questions which entitled you and your Government to go rather slowly ?—Yes.

214. In introducing these reforms ?—Yes.

215. I wish to ask Mr. Gupta a few questions on the industrial side. Mr. Gupta, I have seen this report of yours. Will you kindly let me know how far your industries have begun to pay ? You show here a tabular statement in which you give very interesting facts and figures, but I have not been able to find anything beyond what you say in paragraph 386 that for 1928–29 (budget) you show Rs. 2,42,000 receipts and a total of Rs. 10,01,000 expenditure. Do you keep commercial accounts with reference to each industry you have in your charge ? For instance, take the Patna Government Cottage Industries Institute. Have you any commercial accounts for that ?—(*Mr. Gupta*) : Yes, we have commercial accounts.

216. Can you tell me whether it is a paying concern ?—It is not supposed to be a paying concern.

217. I know, but what percentage of losses do you incur and how much do you make out of the products of your industry ?—We budget for Rs. 40,000 for running the institute, which is an educational institute, the manufacturing coming in as a necessary part of the training given. The training is not meant for the non-artisan class ; it is meant solely for the artisan class, and it is far better to demonstrate commercial processes and appliances rather than teach them through lectures and books. So, this being an institute where things are made in the process of training these artisans, we can sell these products and recoup some of the cost of maintaining the institute.

218. I and some of my colleagues inspected the place and saw the carpets. Where do you get all these fabrics from ?—We engaged a designer in 1925–26 and she made a large number of designs which we have been using.

219. They seemed to be unique ?—They are.

220. Do you have a large sale for them ?—Yes, in England, Holland, America and wherever these goods have been exhibited they have found ready buyers.

221. What is your objective ? Is it to make it a commercial concern, or do you wish to popularise oriental art ?—We believe that amongst other things the improvement of designs must play a big part in the revival of our handicrafts. Handicrafts cannot compete with machine-made goods on a price basis ; there must be some other quality put into them which will make them a paying proposition, and design must be one of those factors. We find from the sale of these goods that there is a general demand for genuine hand-made goods which are useful and artistic, even in mechanised countries.

222. And you think all your products are artistic ?—We attempt to make them artistic.

223. As regards the staff of the Industries department, do you get men who have had experience in industries or in industrial concerns ?—We have a textile expert who is a qualified man.

224. Where did he qualify ?—At the Victoria Jubilee Technical Institute, and the Industries departments at Mysore and Madras. He has worked in factories.

225. The point I was on was that if you are to improve your industries what you want is a man who has worked successfully in some of these industrial concerns and who can bring into play his accumulated knowledge and experience and place it at your disposal for a period of years—say three or five years ?—It is open to us to engage specialists for any particular line of development in which we are interested.

226. You have not done so so far ?—We tried a match factory and engaged a specialist for that.

227. You lost heavily over it, did not you ?—Yes, I believe we lost Rs. 17,000 on that venture.

228. You have sold it, I find from this ?—Yes. We found the raw material was not suitable.

229. What means do you employ to popularise the products of your industries ? Do you have any exhibitions ?—We had an exhibition some time ago, but we have not had one recently. We are demonstrating and exhibiting our goods at various *melas* and fairs in the province, and we have agents all over India. We have an agent in London, we have a sales depot here, and then we advertise the goods.

230. Are these exhibits kept in a museum ?—In what we call a sales depot, where all the goods made in Government institutions are kept for sale, and also we have a small fund for the purchase of goods manufactured by the artisans.

231. In Lahore there is a very fine museum of arts and crafts. Have you anything like that ?—A museum is being built here, and a section will be devoted to arts and crafts.

232. *Sir Zulfiqar Ali Khan*: Do I understand that all the mines in this province are worked by the State ?—(*Mr. Simpson*) : No, they are mostly worked by private owners.

233. Could you tell me what are the approximate profits from the working of these mines ?—At present I think there are very few who admit they are making any profit. A very small profit is being made at present. I should say, averaging all the losses and gains at present, the balance is very little on the right side.

234. Since when has this been the case ?—It has gradually got worse for the last three years.

235. What are the prospects for the future ? Will this depression continue, or what will happen, in your

opinion ?—There is not much sign of any improvement yet. A general revival of trade is, I think, about all we can hope for.

236. Would you tell me what is the daily wage of the labourer ?—Yes, the average coal miner gets about 13 annas a day; that is a man; and 7 annas the woman.

237. *Mr. Hartshorn*: Are these underground labourers ?—Yes; a little less for surface workers.

238. *The Chairman*: Can you tell me, are the women workers engaged directly by the employers, or are they brought as part of a number of associated workers ?—They generally work in a gang, and sometimes they are paid individually, but more often they are paid as a gang.

239. Then the head man of the gang will have the contract with the employer, and then he makes his own arrangements with the members of the gang ?—Yes, that is so.

240. *Mr. Hartshorn*: And is his contract a tonnage contract ?—So much per ton, yes.

241. *Sir Hari Singh Gour*: Is it exactly the head man of a gang, or do you have a labour contractor who supplies the labour ?—In many cases it is a labour contractor who also has petty contractors under him.

242. *Sir Zulfiqar Ali Khan*: Has there ever been any discontent among the labourers about the rate of wages ?—No general discontent, no. We have practically never had any strikes. We have had one or two small stoppages; you could not call them strikes. On the whole they are content with what they get. It is very much more than they can earn on agricultural labour.

243. Do the owners give any gratuity or pension to families of those who are killed or injured ?—Workers in mines all come under the Workmen's Compensation Act now, and benefits are given according to a schedule, so much for death, and so much for a broken leg. It is a definite schedule.

244. *Sir Zulfiqar Ali Khan*: They do get compensation ?

Sir Hari Singh Gour: They get compensation, yes.

245. *Sir Zulfiqar Ali Khan*: Then could you please tell me this. Before this depression in trade came, did the owners retire from the country after making their fortunes ?—I think a great many of them are natives of this country. You are speaking of mine owners ?

246. There is Indian capital invested here ?—Oh, a great deal.

247. There are no Europeans ?—A large number of Europeans also.

248. But what is the state of affairs with them ? Do they eventually retire after making their fortunes ?—No, I think they keep on with the business. There are very few individual owners; they are mostly limited companies, and they go on until the mine is exhausted, and then they close down.

249. The limited company is always in London, is it not ?—Are you speaking of coal mines ?

250. The mines generally ?—The offices of most of the coalowners are in Calcutta. A good many of the metalliferous mines are run from England.

251. And do they pay their income-tax in Calcutta ?—Oh, yes, they have all got to pay Indian income-tax. I do not quite know where it is paid.

252. It is paid to the Government of India ?—Yes.

253. Do the women work in those mines to supplement their meagre resources ?—Yes, I think it is largely a question of the family income being small, and they find they can get work in mines, so they work there.

254. What is the opinion in the country generally about the employment of women in the mines ?—Do you mean throughout India ?

255. In this province ?—The people do not have any idea. I meet the mining people; I do not meet a great number of outsiders.

256. What is the opinion among them ?—I do not think they have much of an opinion.

257. Not on this subject ?—I do not think so; not as far as I know.

258. But they do not resent the employment of women in the mines, do they ?—It is difficult for me to tell whether they do or not.

259. Have the owners of these mines resented the import of South African coal into India ?—Yes, they have.

260. And have they made representations to the Government of India asking them to tax coal coming from South Africa ?—Yes, that is so.

261. With what result ?—The Government have not taxed it.

262. Without any result ?—Yes. The import is very small, I may tell you.

263. But it does affect the prices here ?—In Bombay to some extent I suppose the price is down.

264. Can you tell me if there has been any failure from the working of these mines ?—Financial failure ?

265. Yes.—I great number of mines have had to shut down in the last years, completely close down, cease working, and they have lost their money.

266. *Sardar Shivdev Singh Uberoi*: This volume says that you have got different sorts of schools, such as engineering schools and technical schools and textile schools in different places in your province. Could you give us the approximate number of the students taking education in these schools ?—(*Mr. Gupta*): Roughly about 1,600 students.

267. Would you please let us know whether the sons of the non-artisan classes also have an interest in going to these schools, or do only the sons of artisans go to them generally ?—The higher technical schools require an admission qualification of a fairly high standard, and of course the artisan class students do not get any chance; but in all our engineering institutions we have a course of studies known as the artisan course, a five-year course for training as machinists, as pattern-makers, in carpentry, smithy, motor engineering, motor driving and so forth. For those classes of training the artisan class of students get ample opportunities. Then the industrial schools, such as weaving schools, dyeing schools, and things of that sort, they are wholly confined to training the artisan classes. Then we have a large number of scholarships given to boys who go outside the province for training in such subjects as we have no facilities for here.

268. But what is the tendency of the non-artisan class parents about educating their sons in these ways. Do you find that the attendance is increasing, that the non-artisan parents have sent their boys to get education of this sort ?—If they do not have to bear the expense of training. We have to give them scholarships. Then there is great interest.

269. You have said on page 251, paragraph 379,* " Three State technical scholarships are also awarded " annually to enable students of the province to obtain " a specialised training abroad." What do you mean by " abroad " : is that out of India ?—Out of India, yes.

270. And how many students have come back after taking their course of training there ? Can you give us some idea ?—About four or five boys have come back.

271. Do they get employment somewhere ? Have they started their own factories, or how are they employed ?—One man who was trained in tanning, for instance, is in the business, the commercial side of it; he is not manufacturing. A man who was trained in coal mining has only returned recently; he has got a professorship at a college, and a man trained in sugar technology has just come back, and I have no doubt that he will get employment in a sugar factory here. He will have to have his experience here before he can venture out into an undertaking of his own. No capitalist in India would trust a man fresh from college, and with very good reasons, too.

272. Do you think that there are any prospects for the students who come out in your industrial schools and technical schools or engineering schools ? Do they readily get employment ? Have they means to start their own business ?—We have really started

* Vol. XII.

with this class of training very recently; but we do not encourage the non-artisan classes to come up for training in industries which belong to the hereditary classes. For instance, take weaving. We have a hereditary class of weavers in this province. It is no good, we believe, to train the non-hereditary classes in this particular line as they will not be successful. They may be useful as demonstrators or as teachers, but for utilising their knowledge for a living the training would be of no use to them at all. What we are trying to do is to improve the technique and the skill of the hereditary classes, because they are bound to profit by it. I think they should certainly be able to hold their own if they get the proper kind of technical training.

273. But do not you think you should be broad-minded in giving education to the non-artisan class, taking into consideration that the educated sons of the non-artisan class do not find ready employment after passing their examinations ?—For them we have technical schools; we teach them engineering, or some of the trades related to engineering, so that they can either start a small business of their own, or they can find ready employment in organised industries.

274. With regard to the failure of your match industry, I find two reasons are given here at page 253.* One reason given is the scarcity of wood. I read: "The percentage of raw material suitable for the "manufacture of splints which could be obtained "from the kinds of wood available, had been greatly "over-estimated, while the selling price of the finished "article had fallen much below that on which the "estimates had been framed." Do you mean that the selling price had fallen on account of imported matches from foreign countries ?—My impression is that the better quality of matches made in India—the price of those matches came down very heavily. If I remember aright, when this scheme was mooted, the cost of manufacture was calculated at Rs. 1.12.0 per gross, and the selling price at that time was assumed to be Rs. 2.4.0 per gross; but by the time we got going the price began to fall until it was somewhere in the neighbourhood of Rs. 1.8.0, while our manufacturing cost remained at Rs. 1.12.0, and obviously it was hopeless for us to make profit on that basis.

* Vol. XII.

275. But how do the imported matches affect your match industry in India ?—Not imported matches, but matches made in India from foreign wood. We were attempting to make matches solely with our own local wood, from the box (including the inner and outer box) to splints; while in Calcutta, Bombay and other places matches are being made of which the inner and outer boxes are obtained from Indian wood, and the splints from foreign wood. Splints made from imported wood were very much better than ours. We also found it was not possible to manufacture a satisfactory match at a competitive price on the basis of the output we had.

The Chairman : If I may suggest it, I do not think there can possibly be any constitutional point about this. It is useful to know. It was an attempt at State enterprise in which it was not able to hold its own.

276. *Sir Hari Singh Gour* : One question on behalf of the depressed classes. You said you have got the hereditary artisan class, and hereditary weavers. What encouragement do you give to the members of the depressed classes to learn these industries ?—We have formulated a scheme for a technical school for the depressed classes separately, but all our educational institutions are wide open to the depressed classes.

277. When you speak of the hereditary artisan classes and the hereditary weavers being trained up in your institutions, are the depressed classes included amongst them ?—I am not very competent on the subject of the definition of the word depressed class, so I really cannot say; but I presume that if amongst the depressed classes there are hereditary artisans, the educational facilities here are open to them.

278. But you do not give any special encouragement to the depressed classes ?—In what form ?

279. To teach them these handicrafts, so that they may be able to rise in the social scale ?—As I said, we have formulated a scheme for a school which will be devoted to the depressed classes.

280. Have you any aboriginals there ?—The Ranchi Technical Institute, for instance, has been established mainly for the aboriginal classes, and they have taken an increasing interest in, and increasing advantage of, the school.

The Chairman : Thank you, gentlemen.

*Note on Industrial Co-operation and Non-Credit Organisation in connection with the Co-operative Movement in Bihar and Orissa, by Mr. D. C. Gupta, Director of Industries.

Industrial Co-operation: Industrial societies in this province fall roughly into two groups, viz. Weavers' Societies and Artisan Supply Societies. There are at present 99 societies amongst weavers with a membership of 1,647 and a working capital of Rs. 1,40,609/-. In addition there are two Weavers' Stores, one at Bhagalpur and another at Ranchi. Bhagalpur is a great weaving centre and well-known for its silk and tusser industry. A large store was organised there to help and stimulate this industry, but the store has had a very precarious existence, due to mismanagement and disloyalty of members, coupled with competition with the private Mahajans, who had the monopoly of the trade. The result was that the store suffered considerable losses and is now in the process of being wound up. The store at Ranchi has also not heen a success, though it fared better than the Bhagalpur store. It has, however, contributed much to the improvement of the methods of weaving among the weavers of Ranchi. It has taught them newer kinds of designs in cotton, woollen and silk fabrics, but financially the store has so far been a failure. The 99 societies amongst the weavers are mostly credit societies, which supply the necessary capital both in cash and yarn to the members. Such of the societies as are affiliated to a central organisation, such as the stores mentioned above, sell their finished products through the stores, otherwise they have to make their own arrangements for marketing them. We have also got durrie and carpet-making societies in Obra, a village in the district of Gaya, which is the home of some skilled workers in this line. The members of these societies produce excellent durries and carpets which do not compare unfavourably with the best products of Mirzapur and Cawnpur. On the whole it cannot be said that our efforts in improving the weaving industry have achieved any marked results, but there is no doubt that these societies afford a better agency for raising the necessary capital for the weavers and that they have been utilised as such with considerable advantage to them. Further advance in this line has been purposely kept in abeyance until arrangements can be made to start well-managed central organisations to undertake the marketing of finished products. It is this question of marketing which is the greatest handicap. Without proper institutions for marketing the products, it is difficult for the Co-operative Department to help the weavers in disposing of their products. In view of the uncertainty of the cloth market at present and of our failure in the past, it is considered inadvisable to launch upon any large scheme at present.

The other class of industrial societies, viz. Artisan Supply Societies, have fared better and are gradually gaining ground. These are societies amongst (*a*) workers in bell-metal, (*b*) carpenters, (*c*) shoemakers, and (*d*) fishermen. There are eight bell-metal societies with a membership of 450 and a working capital of about Rs. 1,80,000/-. As regards societies amongst fishermen, there are 59 societies with a membership of 1,108 and a working capital of about Rs. 1,00,000/-. There is also a central store for some of the fishermen societies in Orissa. In the case of the bell-metal workers the societies supply raw materials and store all finished articles prior to sale, keeping both under lock and key in their own warehouses. Societies of this type are of real benefit to the village artisans, who up till now have been practically slaves to their dealers. The danger in these societies is over-production, which has to be guarded against.

Further, we have got an Automobile Association, Cycle Association, and three Home Industries Associations. At the Home Industries Association training is given to the members in industries to enable the learners to take some profitable occupation. Mostly the training is in weaving. After the training the member is in a position to start his own business. The Automobile and Cycle Associations have done very well, and are very popular in Bhagalpur, where they exist. There is also a small Co-operative Dairy in Bhagalpur, which is doing good work.

Any great advance in industrial co-operation is not possible without the employment of a competent staff which can supervise the working of such societies. It has been generally found that local workers, even if they have the willingness and time to work, are generally deficient in business and organising capacity, and they have to depend on the paid staff, but unless it is highly paid it is more or less dishonest.

Non-Credit Organisations: In the domain of non-credit work the movement here has confined its attention to the following items:

(*a*) Advancement of improved methods of agriculture.
(*b*) Organisation of primary schools and night schools.
(*c*) Amicable settlement of disputes.
(*d*) Organisation of village welfare societies.
(*e*) Organisation of anti-epidemic societies.
(*f*) Cattle innoculation.
(*g*) Sanitation and medical relief.

(*a*) In respect of agricultural co-operation considerable progress has been achieved in the matter of introduction of improved seeds and manures like Coimbatore sugar-cane, Dahia paddy, Pusa wheat, groundnut (seeds), gypsum, ammonia sulphate, amophos (manures).

The central banks and primary societies which now number over 8,000 in the province, each contribute 5 per cent. of their profits towards the development of primary education. This fund is utilised in opening Pathshalas and subsidising Gurus. In the year 1927, 73 Pathshalas were opened. There are eleven night schools. During the year 1927, seven schools were constructed by the societies. A few of the banks also make contributions towards the maintenance of High English schools in their areas, for instance, Dowlatpore Bank pays Rs. 600/- to the local school called the Atkins High English School.

There has been great effect on the stoppage of litigation through the endeavours of the societies. Litigation between members of societies is now very rare, and even in cases of litigation between non-members in the villages in which societies exist, the societies are able to exercise a very salutary effect. The organisation of village welfare societies is a recent feature, and is directed to solve the problem of rural reconstruction. The most prominent society of this type is the society called Paloul in Ranchi District. Societies of this kind undertake all the activities necessary for the improvement of the village, such as education, sanitation, road-making, and even joint cultivation. Several societies of this type have sprung up in Khunti in Ranchi District, and are also being organised elsewhere. They have a great future before them, as, once the idea catches the villagers that by combining themselves into one whole, they can solve their own problems with their own aid and the assistance afforded by the movement, there will be no difficulty in popularising the organisation and maintenance of such societies. So far, the experiment has been a success, and we are very hopeful of its future. The members of the society at Paloul, without any outside help, have erected their own school building, pay the Gurus, have made wells, roads, and are starting a joint lac cultivation.

In the matter of anti-epidemic societies we have just started work by establishing one such society in the district of Saran. But it is proposed to have a network of such societies.

In the work of cattle inoculation our banks and societies render considerable help to the Veterinary Department, and it is to a large extent with this

* *See* page 306, Q. 115.

17 *December*, 1928.] NOTE ON INDUSTRIAL CO-OPERATION AND NON-CREDIT ORGANISATION IN CONNECTION WITH THE CO-OPERATIVE MOVEMENT IN BIHAR AND ORISSA, BY MR. D. C. GUPTA, DIRECTOR OF INDUSTRIES. [*Continued.*

help that the Veterinary Department has been able to disarm the opposition of the people towards cattle inoculation.

In the matter of sanitation and medical relief there are various banks which undertake sanitary measures, and there are some which have started homeopathic dispensaries, but our progress in this direction is not much to speak of.

No doubt credit work is the main plank of the movement, and is bound to be so for obvious reasons, but the non-credit side has not been neglected. It is through the credit side that the moral and material conditions of the people are being improved. On the material side, but of a working capital of a little over two crores, the co-operative organisations own about one-fifth as their own capital. The movement has undoubtedly brought down the Mahajans' rate of interest, and everywhere there is a great demand for societies, but we don't consider it advisable to make any rapid expansion.

SHILLONG.
Dated, 3rd January, 1929.
Morning.

PRESENT:

ALL THE MEMBERS OF THE COMMISSION (EXCEPT LORD STRATHCONA), OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND, RAJA NAWAB ALI KHAN, SIR ZULFIQAR ALI KHAN AND SARDAR SHIVDEV SINGH UBEROI), AND OF THE ASSAM PROVINCIAL COMMITTEE (EXCEPT MAULVI MUNAWWAR ALI).

Mr. G. E. SOAMES, C.I.E., I.C.S., Chief Secretary to Government, Assam.

* * * * * * * * *

35. *The Chairman*: Then you go on to say*: "The ordinary system of election would not be "practicable for a population largely illiterate," * * * "and consisting of many different "tribes and races. The Government of Assam, "therefore, suggest that each tea garden in a con-"stituency should appoint from its qualified electors "a certain number of representatives fixed in pro-"portion to the strength of the resident labour force. "These representatives from the several tea estates "would form an electoral college, which would elect "the member for the constituency by secret ballot. "Candidates for election as members must be quali-"fied as electors." Just to explain that sentence, what is the ground for saying that the ordinary system of election would not be practicable? The reasons given, though they have force, are not, I think, reasons which apply exclusively to the labourers on a tea estate. Most of the electorate is illiterate anyhow, is it not?—That part of the argument, yes; but the rest of it is specially applicable to the tea-garden labourer. On every tea garden you get a mass of various races. The labour force of each individual tea garden consist of various communities. That is more or less a peculiarity of these constituencies; and in addition, of course, it would involve a very large number of polling stations, a large staff, and as the staff has to be provided by the Government officers it would mean disorganisation of all government work for a very long time. The labourers are scattered all over the province. We are dealing with three constituencies, but the members of those constituencies come from both the Assam and the Surma valleys. You would have to have a very large number of polling stations, and it would mean a very large staff, and the disorganisation of work for a very considerable time.

36. Then the idea seems to be that there would be a sort of meeting on the tea estate of those who were qualified voters, and they would choose their electoral college in some way?—Yes.

37. Then there is a series of special suggestions made on the next page,† including, I notice, two landholders' constituencies, one in each valley, which is partly, I think, based on the view, which I was going to ask you about, and which is expressed somewhere, that the Government does not consider it practicable to have a Second Chamber in Assam?—That is so.

38. Would you mind telling me why it is not practicable?—Well, they think that if you had a Second Chamber you would unduly weaken the legislative council by withdrawing from the membership of that council men for the Second Chamber. The field is limited in Assam.

39. You propose, lower on page 50,‡ a separate constituency for the Marwaris, who you say have not hitherto secured representation by election in the council. That is interesting. Then you want two additional seats to be given to the tea industry; and certainly, in view of its contribution to the revenue, and things of that sort, the tea industry does not appear to be over-represented as things are; and the result of it all is on page 51, is it not?—Yes, elected members.

40. Let us look at that for a moment. These are the elected members. The proposal is for 60 as opposed to the present 39?—Yes.

41. *Lord Burnham*: What I do not quite understand is whether the number allotted to primitive races and backward classes presumes that there would be any further extension of powers over backward tracts, or is accepting the present conditions?

The Chairman: Lord Burnham will excuse me if I answer, simply to show what I think I follow. I understand that though you propose to include in the reconstituted council eight members who will be elected representing primitive races and backward classes, none the less your province would be reduced by excluding the hill tribes?—Yes.

The Chairman: It comes to this, that the primitive races and backward classes there referred to, Lord Burnham, are not the occupants of hill tracts, but are people who are living in the plains, of whom there are a great number.

Lord Burnham: Thank you.

The Chairman: The best reference is on page 49*: "The Government of Assam, therefore, are con-"strained to advocate the formation of separate "constituencies, two in the Surma valley for the "backward classes; and six in the Assam valley, "one in each district, for the indigenous primitive "races and the backward or depressed classes of "that part of the province."

42. *Lord Burnham*: These are really separate electorates, of course?—Yes.

43. *Lord Burnham*: Then I understand that this is constituting separate electorates for these races, though the term "separate" is not used, but "general." It is to that extent a misnomer.

The Chairman: It is the nomenclature that has sometimes been employed. I think it has been common to speak of the Muhammadan constituencies or the non-Muhammadan constituencies, or elsewhere of Mahratti constituencies in Bombay, as general constituencies, and the word "special" constituency has been used rather for non-geographical constituencies and certain other special cases.

Lord Burnham: If you say "special" I should accept it.

Dr. Suhrawardy: For special interests, like the landlords and the universities, and so on.

44. *The Chairman*: Then there is one other feature of this to which I must call attention, on page 54,* where I see that the Government of Assam, after a good deal of arguing of it out, have come to the conclusion that there should be eight nominated seats?—Yes; ten altogether, including the two seats, one representing Indian Christians and one Nepalis.

45. One representing Indian Christians, who you think must be nominated, because they are so scattered?—Yes.

46. And one representing Nepalis, who are scattered in the same way?—Yes.

47. And, as I follow, you have definitely come to the conclusion that there ought to be no official nomination?—Yes.

48. These are unofficials, in order to complete the representation?—Yes.

* Vol. XIV, p. 48. † Vol. XIV, p. 49.
‡ Vol. XIV.

* Vol. XIV.

49. And that is the scheme ?—Yes.

50. Now I think we had better turn to the second passage I mentioned, and that is at page 99,* which is assumed as the basis of these recommendations, namely the proposal to exclude the backward tracts as now defined from the province of Assam. I would remind my colleagues that the part of this big document dealing with backward tracts starts on page 78.* There are a number of extremely interesting paragraphs of historical matter, and the recommendations about it are at page 101.* It may be convenient to observe that the Note of Dr. Hutton, referred to on page 100*—a most interesting document—is on page 104,* and we have also had it separately. We might first of all see what the present position is. This is rather a technical matter, but we must understand it. I will turn to page 83.* I want to see how these backward tracts are dealt with now. In paragraph 18, describing the present position, you say: "The safeguards provided for "constitutional protection of the hill and frontier "areas are as follows: At the Chief Commissioner's "proposal"—this was in the days when there was a Chief Commissioner here instead of a Governor—"the areas mentioned have all been declared 'back-"ward tracts.'" Stopping there for a minute, we have had something of the same sort called to our attention in Bihar and Orissa. May I just remind the members of the Conference that in the Government of India Act, section 52A, there is a provision that "The Governor-General in Council may declare "any territory in British India to be a 'backward "tract,' and may, by notification, with such sanction "as aforesaid, direct that this Act shall apply to that "territory subject to such exceptions and modifications "as may be prescribed in the notification;" and then it goes on to say various things that he may direct. Now, I understand that that notification has been given by the Governor-General in Council in reference to these hill tribes ?—Yes.

* * * * * * * * *

52. We had a similar thing in Bihar and Orissa in reference to Chota Nagpur. Now, if I follow rightly, Mr. Soames, this is the point for the Conference to bear in mind, I think. That notification has, in effect, only this operation, that it prevents a certain amount of legislation applying to the backward tracts; I mean, it does not legislate for them affirmatively; it protects them from the application of a law which applies to others ?—Yes.

53. It is negative and not positive: is that right ?—Yes.

54. We shall all remember that we were told when we were at Patna that the other section of the Government of India Act which has a bearing is section 71, a very oddly-constructed section, the section about regulations and ordinances; and that, as I follow it, is a section which enables regulations to be made which, so to say, take the place of ordinary legislation, which will apply to the backward tracts positively and affirmatively; is that right ?—Yes. There can be, of course, ordinary legislation, too, if it is not barred.

55. Yes, of course, if ordinary legislation is not barred by the intervention of the Governor-General it will apply, but there is a power to prevent it applying ?—Yes.

56. As it were, you pass ordinary legislation through a sieve, and you allow such portion of it to fall upon the backward tracts as you think is suitable for their condition ?—Yes.

57. Now let us go back to your page 83.* You go on to say: "and on the advice of the Government "of India an express provision has been made in the "statutory rules requiring a mandatory section in "any provincial or Indian law solely intended for "these tracts, that it shall apply only as directed "by the Governor in Council, and with such ex-"ceptions and modifications as may be made by "him. A further provision enables the Governor in "Council to direct that no Act of the local legislature "shall apply to these tracts save as, or with such "modifications and exceptions as, the Governor "thinks fit." Then a little lower down on the page you say: "Affirmative powers of legislation exist "for all these areas, as for the province as a whole, "under section 71 of the Government of India Act." And that is the thing that brings in the power to make regulations ?—Yes.

58. That is the present system. I wish you would just state in your own way for our guidance what is the broad reason why the Government of Assam does not think that the present arrangement is one which ought to continue, but wants the new arrangement which would exclude the backward tracts from the province altogether ?—Briefly, they consider that the present union is an artificial union which is not liked by either party, and is not to the interest of either party. It is to the interest of the hills that they should develop on their own lines, and the plains fear, with or without justification, that being linked to these backward tracts may retard their own political development. Those are the two main reasons: that it is to the interest both of the hill tracts and of the plains that they should develop on their own lines independently of each other.

59. To put it in a phrase, apparently the view is it is bad for both sides to the bargain ?—Yes.

60. If you can describe the hill tracts as entering into any bargain ?—Yes. There is a further objection on the part of the plains; they express resentment at having to meet the deficit of the hill districts from provincial revenues.

Lord Burnham: That is all very clearly put on page 99.*

61. *The Chairman*: * * * Dr. Hutton's memorandum, which begins on page 111,* presents the very interesting argument that the hill tracts of Assam are really in no true relation to the plains for governmental purposes or for social development at all ?—No.

62. They are a separate civilisation ?—Yes.

63. Do I understand that the Government of Assam in substance adopts Dr. Hutton's view ?—Yes.

64. That, of course, means you would get rid of a financial burden and somebody else would have to bear it; and the somebody else, I suppose, is the Government of India ?—The financial question follows, of course, but if it is admitted that the two should not be united, then, though the financial question arises, it should be dealt with separately; it is a separate question. The real question is whether these two are properly united or not; if they are not, then they must be separated, and then the question of finance arises; that is to say the separated area, which is at present a deficit area, would either be created a separate province, requiring an assignment from the Central revenues, or would be run as a central charge direct.

65. *Mr. Hartshorn*: Does that nine lakhs deficit include the deficit on the Assam Rifles ?—No, that is excluded. * * *

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66. *Major Attlee*: The first point I think you make† is that diarchy has not really operated in Assam; you say the system has approximated more to a form of Cabinet government ?—Yes.

67. I gather you say that diarchy should no longer continue, and therefore you think you should try to approximate to Cabinet government ?—Yes.

68. Is it your view that you want to get the conditions for working the system which you have already worked in effect ?—It has been worked by mutual agreement in effect, and we want to make it the constitutional position.

69. You say you would like a unitary government,

* Vol. XIV.

* Vol. XIV.

† *Vide* recommendations on pp. 380–387.

but you would retain the Governor as a member of the Cabinet ?—Yes.

70. And therefore are you really getting, strictly speaking, Cabinet government ? You have the leading member of the Cabinet irremovable ?—That is true. Of course, the Governor in the new Cabinet which is proposed will have no portfolio, while in the present Cabinet he has. In the new Cabinet he will be a member and will preside over the Cabinet meetings, and will have certain powers reserved for him, but he will not be the holder of a portfolio. If you call that diarchy, then that measure of diarchy would remain.

71. What would his position be ? Would he be a mere adviser ?—No. The suggested powers of the Governor are stated here. He is a member of the Cabinet, but will not hold a portfolio ; he will not administer any subject directly.

72. I quite understand that, but I am looking at it from the point of view of the operation of parliamentary government. He is a member of a Government carrying on a definite policy, and at the same time he is to a certain extent an outside force controlling it ?—He has certain powers of control. The word " diarchy " has been used in a particular sense, but if what is proposed can be called diarchy (and it can), then to that extent diarchy must remain.

73. I think we had better leave out the term " diarchy," because that is more a question of reserved and transferred subjects. The question is of a unitary Government ?—To that extent it is not unitary Government. The Government of Assam consider the Governor must remain a member of the Cabinet with the powers they have suggested, and to that extent it can be said that it is not really unitary Government.

74. He will be responsible for policy ?—No, not entirely responsible at all. Each member will be responsible for the policy of his own department, and there will be the joint responsibility of the Cabinet. If the Governor disagrees with the Cabinet he is given certain powers. He is entitled in certain cases, as suggested here, when he disagrees on matters which fall under his terms of instruction, to refer the matter to the Government of India.

75. But he is to have joint responsibility ? I have not quite got that clear ?—It is rather difficult to say the Governor has joint responsibility when he is in a separate position and has separate powers from the rest of the Cabinet.

76. On page 382*, in the middle of sub-paragraph (2), you say : " as far as possible to vest such control " as is required in an outside authority, in order to " minimise the risk of friction within the province." I take it from the recommendations on that page that the suggestion is that such control as there should necessarily be should be in preference vested in the Governor General ?—Yes.

77. That is the view of the official members of your Government ; and for the most part in the Governor General in Council in the view of the ministers ?—Yes.

78. It appeared to me you were trying to do that because you wanted to get rid of the rather anomalous position of a Governor who is at once a member of a unitary Government and at the same time a force outside it which can over-rule it : is that so ?—I take it that is one of the reasons which influenced Government. I am not able to go beyond what is stated there, but I imagine that would be one of the considerations at any rate, though not the only one.

79. It states in the same paragraph " Assam in " particular is so dependent on and affected by " Bengal that provincial autonomy is not a practical " proposition." Can you tell us exactly what is meant by that ?—Anything that happens in Bengal will affect Assam, and *vice versa*. To take one illustration which I think is used somewhere, where it arises particularly is in regard to law and order. If Bengal declined to maintain an adequate police force, the effects would be felt immediately in the neighbouring provinces.

80. It is not a special Bengal-Assam question, but a general one ?—Bengal is mentioned only because it is an adjoining province ; that is all.

81. I was wondering whether there was any special point involved. It is sometimes said Assam should belong to Bengal ?—No, it is not on that account at all, except that to some extent we are at the present moment dependent on Bengal for a High Court and so on. It was not put forward for that reason, but because Bengal is an adjoining province, and in the case of any two adjoining provinces what happens in one must have repercussions in the other.

82. You wish to take certain steps to make the position of the ministers (in future you are going to call them all members, I think) more stable. You suggest the fixing of the pay of the members of Government by Statute ?—Yes.

83. That is to avoid a constant harassing of ministers in regard to their salaries ; it is not a mere question of token votes and so on ?—No.

84. *The Chairman* : I quite follow the suggestion (which seems to me an important one) that an individual minister's salary should not be the target of a motion for reduction, which in this country seems to be used rather freely at times as an effective means of getting a minister out. I do not know how long it is in England since a motion to reduce a minister's salary has produced any result except a discussion, but here it seems to be regarded as a working instrument. But you do not mean, do you, that you would make it part of the fundamental law of India that ministers' salaries should be so much ? Is not the idea rather that if there is to be any alteration in the salaries of ministers it shall only be by a Bill which is introduced and passed through all its stages, and is a deliberate alteration of the scheme of ministerial remuneration, as distinguished from being an attack on an individual minister and his remuneration *ad hoc* ?—The Government of Assam have not actually specified the form of legislation which should fix the pay, and therefore I am in a little difficulty with regard to that question. Whether they contemplated it should be fixed by an Act of the local council or by the Assembly or by some higher authority, I am not certain.

85. *Major Attlee* : You leave the Governor the power to dismiss or accept the resignation of the Cabinet, but you do not recommend that he should have the power to override the decision of the majority ; he must refer to the Governor General. That is a new point. In effect, this and sundry other points are designed to take the power of control in some of the questions between the Governor and his ministers to the Governor General ?—Yes.

86. An outside authority ?—Yes.

87. In fact, the umpire should not be a playing member of the team ?—Yes.

88. Turning to page 384*, you say the Governor should have the power " to reserve any Bill for the " consideration of the Governor General, or to return " it to the legislative council for reconsideration." I do not want to take up all these points of detail, but I notice you think the right of interpellation has been abused in this province, and you think there should be some restriction ?—Yes.

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89. *Major Attlee* : Finally, on page 386* you express the view that complete provincial autonomy is impracticable. That is rather a matter of how much and how little ; I do not think " provincial auto- " nomy " has been exactly defined yet. Broadly speaking, summing up these paragraphs, you consider that any advance given in the province must be compensated for by certain powers of intervention and control in the Central Government, and you hold

the residual control should be in the Central Government and not the province ?—That is practically the effect of the proposals, yes.

90. Finally, you suggest the Finance department's powers should be vested in a financial adviser, who would not be a member ?—He would not be a member of the Cabinet at all, but merely an adviser. He would have no vote.

The Chairman : I think perhaps we might agree to leave the question of the hill tribes and things of that sort for the moment, and deal with the matter Major Attlee has raised (pages 380 to 387 of the memorandum)* together with the franchise.

91. *Major Attlee* : I have one question with regard to labour representation, the representation of the tea garden employees. I notice it is suggested there should be a franchise dependent on the receipt of a certain amount in wages per annum ?—Yes.

92. Does not that mean, in effect, that the employer will be able to dictate, by employing or not employing someone, who shall be a candidate ? If I were a labour agitator and wanted to put up as a candidate, it would be easy for an employer to sack me, and then I should have no qualification to stand ? —I do not think that consideration had been thought of. There must be some qualification, and that objection would I suppose arise in every case. One qualification is residence in the constituency, and I suppose the employer would always be able to turn anybody off his estate. I do not see how you could get away from that.

93. If you make the candidate necessarily an employee, that puts him to a certain extent rather in the hands of his employer. If anyone was elected he would *ipso facto* lose the qualification, because he could not work long enough in the tea gardens, and so he could not stand for re-election ?—At present there is no trade union or labour organisation in Assam ; when these develop it may be possible to extend the qualifications for a candidate. At present there is no organisation of labour in Assam.

94. One other point, with regard to the other labourers. Are there other wage-earners in the province ?—Yes. Tea is the big industry. Other fairly big industries, though nothing like on the same scale as the tea industry, are the coal mines and the oilfields. There are no other big organised industries in the province besides those three, but, of course, there are a lot of wage-earners scattered all over the province, employed by small people, private people.

95. Would they have votes ?—Not as at present proposed ; not in the labour constituencies as at present proposed. If they were otherwise qualified, they could come under the general constituencies.

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96. *Lord Burnham* : I do not in the least wish to tie you down, Mr. Soames, to any personal expression of opinion ; I perfectly understand that you are only enabling us to appreciate the motives of Government. You say on page 380* that the system of diarchy has worked smoothly during what you call the transitional period. If that is so, the objection, I understand, taken to diarchy is purely sentimental ?—Well, it has been worked because the principle of diarchy has not been observed in Assam. To that extent it has been successful.

97. That has been the case in other provinces as you are very well aware ?—Yes.

98. And no doubt great latitude was given for the working out of the diarchical system, but I understand that it is not practicable, it really is, if you prefer the word, idealistic to suggest that it should be changed for something else ?—No ; as far as I understand the Government proposals, they take the view that diarchy is impracticable, and it has only been practicable because the very principle of diarchy has been thrown overboard in Assam.

99. *Mr. Hartshorn* : You say success is due not to diarchy but in spite of diarchy ?—Yes.

Lord Burnham : Well, that is entirely a matter of interpretation.

Mr. Hartshorn : That is what he says.

Lord Burnham : Yes, quite.

100. So far as you deal with the position of the Governor, you are recommending changes that will centralise and not decentralise the Government, and therefore to some extent are opposed to what one imagines is meant by provincial autonomy ?—Yes.

101. You are putting the Governor General himself, or the Governor General in Council, in place of the Governor in some respects ?—Yes.

102. That does not arise, I understand, from any distrust of the Governor, but is again dictated by what I call theoretical considerations ?—Well, the considerations may be theoretical ; I think they are fairly practical too. It is to avoid conflict within the province ; that if there is to be interference with the Cabinet, it had better come from an outside authority than from a member of the Cabinet.

103. As a constitutional arrangement it will obviously lead to delay, will it not, because it will be more difficult to get a decision from Delhi than to get it at Shillong ?—That is quite true, yes.

104. The change is not, then, likely to conduce to what is called efficiency ?—Well, there might be occasional cases in which an immediate action had to be taken, but ordinarily I do not think that except in such emergency cases there would be any very great difficulty in this reference to the Governor General in Council.

105. As Major Attlee has pointed out, the Governor sitting in the Cabinet must be to some extent responsible for the decisions of the Cabinet ?—Yes.

106. Then do you consider that under this suggested constitution he will have any special responsibility for Law and Order ?—The Law and Order recommendation is that if the Governor, as a member of the Government differs from the Cabinet, the reference should again be to the Governor General in Council, and the Governor General in Council should be given wider powers of control than he now enjoys in regard to what are now transferred subjects. There should be no distinction between reserved and transferred subjects ; they would all be what are now called transferred. If Law and Order becomes transferred, the Government of Assam recommend that the Governor General in Council or the Governor General should have increased powers of control, and should have the means of enforcing his or their orders if this were not impracticable. The Government of Assam believe it is practicable in the Rules under the Act. Otherwise, if it was found to be impracticable constitutionally to give the Government of India sufficient control in a provincial subject, they would go further, and make the subject Central. But they would not do that deliberately ; they do not want to do that ; they would prefer that the subject should remain provincial, provided that in the new Constitution the Governor General in Council shall be given sufficient legal powers to interfere when necessary to compel any province to take such action in such matters as the Government of India considers essential for the interests not only of that province but of India as a whole.

107. Taking this question of Law and Order, then, I understand that it does not mean centralisation of police control. It does imply that the Governor General will exercise a new power in direction of police action in this province ?—Not a new power. They already have powers of control, because it is a reserved subject now. Already the Government of India have powers now to exercise control, because it is reserved.

108. At the present moment, of course, the power naturally is exercised by the Governor here, but in future that power is to be exercised by the Governor General : is that so ?—Of course, it is a reserved subject, and the portfolio is with the executive council now, but the Government of India even now have powers of control in a reserved subject. They have very limited powers of control in a transferred

* Vol. XIV.

subject. The effect really is to give them, in the case of Law and Order, as much power or even more power, not than they can, but than they do exercise at present under the statutory powers they enjoy with regard to reserved subjects.

109. May I give you an example, and ask what would happen. Supposing there is that unfortunate conflict of communal interests of which we have so much in India, does that mean that the Governor General is to be specially cognisant of all these matters in order that he may direct action where necessary if he thinks what is done in the province is insufficient ?—He is already cognisant of these matters at present.

110. Then you do not mean to increase his power in that respect ?—No, the real effect is that he shall be given as regards the subject in future the same statutory powers as he enjoys now in effect.

111. *Mr. Hartshorn*: Although it would be a transferred subject ?—Though it would be a transferred subject as the law now stands. If the subject becomes transferred now, he has very little powers of control unless a Central subject is affected. As it is a reserved subject, he has and does exercise even now a very firm control. If you take an instance, the Government of India address this Government and say, " You must have a police training school." That is one instance, I think.

112. *Lord Burnham*: I was not thinking so much of that; matters of policy of that sort; I was thinking of the frequent occurrence of local trouble in which he would have to intervene ?—At present he can and does require the local Government to keep him informed of all such occurrences and he can require the local Government to take any particular action he likes to direct now. How far he exercises it varies from province to province, but he already has that power, and it is exercised; but if you accept the Government of Assam's proposals as regards the form of Government, when you do away with diarchy and do away with the reserved side, he will no longer, under the Constitution, have those powers unless you amend the rules and give him such powers as regards all subjects.

113. *The Chairman*: Of course, we have had before us, as you can imagine, in other provinces the general scheme. I think we understand it. Just to show that I think we do, let me state it in its very simple form. The Government of India Act, as such, in section 45 says that every local Government shall obey the orders of the Governor General in Council in matters which he thinks advisable to recommend, and under his superintendence, direction and control in all matters relating to the government of the province. Then the Devolution Rules (the rule is 49) provide for a limitation of that general power, because they say that the powers of superintendence, direction and control over the local Government vested in the Governor General in Council shall be fully exercised in reference to reserved subjects, but so far as transferred subjects are concerned will only be exercised in certain very special cases. That is what you are referring to ?—Yes.

114. *Mr. Hartshorn*: As I understand it, the Government of Assam say that if Law and Order does become a transferred subject, before the Governor General can exercise the powers that you suggest he should exercise, there must be a change either in the Act or in the Devolution Rules ?—Yes.

115. *The Chairman*: What I feel is a possible difficulty about that is this. I will state it quite frankly, and I should like to hear how you deal wth it. As long as Police—that is perhaps a more accurate expression than Law and Order—is a reserved subject, the superintendence, direction and control as exercised over the police in the province by the Governor General in Council produces no conflict in any legislative assembly of the province, because the subject is a reserved subject, and is in the hands of a member and not of a minister. Now, if you put the subject in the hands of a minister, and the minister is responsible to the local council, do you still contemplate that there would be superintendence, direction and control over the Police department in substantially the same way as before by the Governor General in Council ?—Yes.

116. Then would not the result, or might not the result be that the minister would, in cases where he took a different view, or perhaps where the legislative council took a different view, find himself between two fires, between the views of the legislative council on the one hand and the views of the Governor General in Council on the other ?—Yes. It is to meet that that the Government of Assam have made these proposals. If the Government of India has statutory powers of interference and of compelling the local Government to give effect to its orders, the conflict disappears. The main point is stated, I think, in paragraph 18 on page 465*.

117. *Lord Burnham*: Would not that involve in practice a new and special sort of responsibility of the member (I think you are going to call him) in charge of Law and Order to the Governor General or the Governor General in Council, as the case might be ? He would be almost directly under him for the purposes in which now the member, of course, is under the Governor of the province ?—He would certainly be more directly under the control of the Central Government than a member in charge of other subjects, but that is a position which the Government of Assam considers must be faced as the only practicable means of working the new Constitution.

118. I want to ask you one or two questions only on page 38*. I do not think you have yet told us how you think the legislative council will act in the absence of what is called a *bloc* vote, an official vote. There you detail a number of cases in which it has been used, as I understand, for stabilising government. Do you think that practically the council will work without the official *bloc* vote, to advantage ? —It is rather impossible to foresee the future.

119. Yes; perhaps that is not a very fair question. Anyhow, may I put it in regard to the past. Has the official *bloc* vote in the past conduced to stabilise government and to prevent constant changes of ministers ?—Undoubtedly. The actual times, I think, are given in the memorandum, the number of occasions are given there. Undoubtedly.

120. Then you will have a small nominated vote, but no official nominated vote in future ?—That is the proposal, yes. There are eight nominated members, excluding the two special nominations for the Nepalese and Indian Christians, and these nominations are made by the Governor after consulting the Cabinet.

121. In forecasting the future as far as one can, would it be true to say that there would have been much less efficiency in the working of the Constitution so far if it had not been for this nominated *bloc*, official vote ?—The Government certainly would say the official vote has contributed to the efficiency of the Government. There is no doubt about that. As a Government member, I think the Government would certainly say that the Government vote has contributed to the efficiency.

122. Then it must be prepared to face a certain lessening of efficiency in order to conform to theory ? —To stabilise the government, although they do not want Government members on, they have given eight nominated members to be nominated by the Cabinet, and they consider that that will conduce very much to the stabilisation of Government. They recognise that some measure of that sort is required at present, in the absence of any real party organisation in the province. With an organised party, perhaps the necessity will not arise. Without such an organisation there is a danger that the Government would be in and out from day to day, and it is in order to give them a certain backing in the council that they propose, at any rate as a temporary measure, these eight nominated members.

123. *Colonel Lane-Fox*: I am not clear about one

* Vol. XIV.

point with regard to nominated members. Will they simply be a form of reduced official *bloc* ?—They will not be officials at all. There will be no officials. They will be members nominated by the Governor on the recommendations of the Cabinet.

124. Exactly, but you suggest they will be a considerable strength to the Government. Do you suggest the Government will nominate them on the basis that they will support them always ?—Yes.

125. That comes to very nearly the same thing ?—Yes, but they will not be entitled to nominate any Government officer ; they will be non-officials.

126. It comes to much the same thing ?—Yes.

127. *Mr. Cadogan* : The only difference will be that they will be less competent to advise the Government ?—The reason why official nominees are dropped is given in the memorandum ; it is considered that the position of the official is anomalous.

128. *Lord Burnham* : Near the bottom of page 30 it is stated that the Government of Assam advise " that a convention should be established that the " Governor should consult the members who are to " form the Cabinet before he makes any nominations."

Colonel Lane-Fox : The witness suggested they would really be acting as the official *bloc*.

The Witness : I said they could obviously be relied on to support the Cabinet.

129. Will any sort of condition be implied in their nomination ?—Whether a member of the Government would extract any particular promise from a man before he nominated him I cannot say.

130. *The Chairman* : It strikes me as an odd proposal. Is not one of them to represent the Indian Christians ?—That is one of the ten ; we are talking only of the eight.

131. *Mr. Cadogan* : Do you see any chance of a party system evolving here ?—I think in time it must evolve, but it will take time.

132. On what lines ?—That it is impossible to prophesy.

133. But there are no signs of it at present ?—No. The only actual party (I speak, of course, with due deference to the members of the Provincial Committee here) outside the tea planters, who are united and work together as a party, are the Swarajists, but they are a party merely because they are in opposition to Government—to what they call the bureaucratic Government or whatever other term they may use. If that link were broken the party would dissolve ; they are not held together by any real union except opposition to Government.

134. *The Chairman* : I hear that a very useful plan has been adopted by the Provincial Committee, who have formulated a number of questions which they have communicated in advance to the witness. Is not that so ?—Yes, I received them a few days ago.

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The Chairman : Perhaps the best plan would be for you, Colonel Smiles, to put those questions, which I gather are really on behalf of your Committee.

138. *Lt.-Col. Smiles* : Having regard to the working of the Reforms in this province in the past, do you agree it deserves responsible government in at least the same measure as any other Governor's province ? —In the main lines, yes. The Government are not in a position to speak for other provinces. This Government have said they did not think a Second Chamber could be formed ; other provinces might want and might have a Second Chamber. Again, there is the question of the separation of the backward tracts. On the main principles of the situation, however, the answer is yes.

139. It is the main principles we are getting at now, not the details. Do you agree that the speech made by Sir John Kerr on September 30th, 1926, contains a fair estimate of the work of the first two reformed councils ? That speech, I may say, was more or less a speech of congratulation to the council here on the work they had done, differentiating them from the councils of other provinces, which shall be nameless ?—I have the speech here (*copy handed to Chairman*).

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142. *The Chairman* : * * * What do you say about Sir John Kerr's estimate ?—Sir John Kerr was expressing his personal opinion on the working of the first two reformed councils. I am not quite sure what I am expected to answer. If the question is whether the present Governor, after experience of a third council, agrees with those views or thinks they should be modified in any way, I can only say that the Government in their memorandum have to a certain extent qualified (after experience of part of the lifetime of another council) some part of the praise which Sir John Kerr gave. For instance, Sir John Kerr praises the council for the number of questions put, whereas the present Government has said that since then, at any rate, the right of interpellation has been rather abused. To a certain extent it may be taken that the present Governor of Assam would like to modify to some extent the words used on that occasion. I do not know if the Conference would like me to go in any detail into the various commendations made by Sir John Kerr. Sir John made them after experience of two councils ; the memorandum of the present Government is based on the experience of three. So far as the present memorandum modifies any opinion Sir John Kerr expressed, it may be taken that the Government of Assam have modified that opinion ; so far as there is no modification, I think you may take it the present Governor endorses that opinion.

143. *The Chairman* : Perhaps we can sum it up in this way. I have here (and of course anyone who would like to see it can do so) the address of the previous Governor to which reference has been made. It is certainly a very interesting address, and it contains a number of references to matters of fact and things accomplished and matters of that sort. No doubt we may take it that so far as it deals with that it refers quite accurately to what has occurred. In addition to that there are complimentary passages and expressions of hope for the future, which will be read in their proper context. I think that puts it fairly.

Lt.-Col. Smiles : We want any further measure of self-government to come equally to Assam as to any other province, because we consider we have worked more loyally than any other province in India.

The Witness : I do not think on that point the Government of Assam would at all disagree.

144. The next point is question No. 3. You have seen the note proposing for each province the constitution of an administrative court. Do you think such a court could be formed in Assam, impartial, honourable and strong enough to give a fair and intelligent decision on such matters as (*a*) the action of police officers in the exercise of their duties in the suppression of riots, searches of houses, etc. ?—It is very difficult to say whether such a court could be formed or not. The question has not been referred to Government and there has been no experience of such a court. This question taken by itself is rather difficult to deal with ; I should prefer to deal with the question of a whole—as to whether, even if a court could be formed, there is any advantage in having it for Assam. There again I am talking without full authority, because these questions have not been referred to the Government of Assam, and this particular scheme has not been considered by the Government ; but there seem to be certain obvious objections to such a proposal.

145. *The Chairman* : Before you describe them, I am not sure every member of the Conference will have this in his mind. Perhaps I might read this out for your information, gentlemen. I gather that in outline the suggestion put forward for consideration by the Committee is this, that there should be in each province what I think they call an administrative court (exactly how constituted is another matter) the object of which would be to give decisions on such

things as are referred to in the question. It would determine, for instance, such matters as the action of police officers in the exercise of their duties in the suppression of riots, searches of houses, etc., then (to go to a rather different kind of subject) it would deal with the subject of predatory taxation imposed in the guise of rules under existing enactments; with land revenue settlements; the certification of grants thrown out by the council and the dismissal and punishment of public servants. That is the sort of suggestion.

Sir Sankaran Nair: Whose suggestion is that?

146. *The Chairman*: I gather it is a suggestion which has been quite recently put for consideration before the witness, and I suppose before the Government of Assam?—No, it has not gone before them as a scheme; it will.

The Chairman: The witness says, as one would expect, that he cannot in this matter speak for the Government of Assam, which has not considered it, but that he is perfectly willing, provisionally, to make one or two observations on the suggestion.

Sir Sankaran Nair: May we know by whom the suggestion was made?

147. *The Chairman*: The suggestion comes from the Assam Provincial Committee, and they are inquiring whether or not a suggestion of that sort is one which the witness is able to make any observations upon.

Sir Hari Singh Gour: In order to understand the suggestion, might we know what the idea of the Provincial Committee is as to how the court is to be constituted and whether its decisions are to be final?

148. *The Chairman*: It is useful to know. What do you say about that? Those are two simple points. Without going into further detail, can you tell us how it is proposed such an administrative court should be constituted and whether its decisions would be final?

Lt.-Col. Smiles: The court would be on exactly the same lines as the court which is already working in Switzerland, and I believe in Germany and France. Its decisions would be final. It would be composed, probably, of three people, nominated by the local Government and appointed by the Central Government. Two of those people must be senior Government officials, one of whom must have had judicial experience. Those people can never hope for any other appointment under the Crown after they are finished with; that means to say, they have no inducement to act unfairly, because they can hope for no further appointments afterwards. It is on exactly the same lines as in Switzerland, and we have men in our minds in the Indian Civil Service whom we would trust.

149. *The Chairman*: Without going further into a description of the scheme, it is obviously a matter susceptible of a good deal of detailed inquiry; but it would be useful to know the answer which Mr. Soames feels able individually to give.

The Witness: In the first place, may I qualify something which Colonel Smiles has said. He says this administrative court is to follow the lines of such courts in certain countries on the continent. As far as I know, the administrative court as it exists on the continent does not do what it is proposed the administrative court in this scheme would do. The *raison d'être* of the proposal is that the administrative court in Assam (or in any province of India) should be in a position to arbitrate on—or, if that is not the right word, to decide—any issue which may arise between the Governor and the Members of the Cabinet or between the Cabinet and the council. That is to say, if the Governor disagrees with his Cabinet, instead of referring the matter (as the Government of Assam propose) to the Governor General in Council, he should refer it to this administrative court. If the Cabinet cannot get funds from the council for a particular scheme, the Cabinet will go to the administrative court and lay the facts before it, and if the administrative court says "You ought to get the funds," the council must vote them. That is the real point of the scheme as put forward. The functions of administrative courts on the continent are quite different. The functions of those courts on the continent could not be introduced in Assam; it would be quite impracticable; but unless I am asked to do so I do not propose to go into those functions, because that is not the reason why this proposal is now put forward before you. The reason it is put forward is as an alternative to the Government's proposals of reserving questions for the decision of the Governor General. They propose that instead of reserving such questions for the decision of the Governor General, or of the Governor General in Council, they should be reserved for the decision of this administrative court. I am not a constitutional lawyer, but I have never heard of, and I doubt whether it would be advisable for any Government to create a body superior to itself. That may be only a theoretical objection; I do not know; but I have never heard of it. There is an objection still stronger than that. If there is nothing insuperable in that, I do not think that the Central Government could agree to relieve itself entirely of its responsibilities and duties in matters such as Law and Order, as an example, which affect more than one province, and possibly India as a whole, and divest itself of its responsibility and make it over to what is, after all, a purely provincial body, even if it has been appointed by the Government of India. Thirdly, another objection is that it would be a very great expense, and the administration has already been accused of being top-heavy in this province. You are only adding to the superstructure. And lastly, speaking entirely from another point of view altogether, so far as this is put forward as an advance in local self-government, or whatever term may be used, I really do not see that it has any advantage. It is true that it may contribute more to what is called provincial autonomy in the sense that it would do away with control from the Central Government, but, on the other hand, it seems to me a reversal of responsible government, and you are creating what has been objected to so often as the permanent executive; you are adding to it; you are creating quite another permanent executive, and I do not see how this is going to advance the principles which I presume the Provincial Committee are advocating. Those, briefly, are the main objections, so far as I see them, to this proposal. I admit its attraction in a way, but I do not think it is a practical proposition, and I should also mention briefly one other thing. In discharging those functions alone, that is to say, the constitutional functions of arbitrating between the Governor and the Cabinet, or between the Cabinet and the council, obviously there would not be enough work for whole-time officials; so therefore it would be necessary to give them certain other functions, presumably such as those exercised by the administrative courts on the continent.

150. *The Chairman*: I do not know whether you would allow me to interpose. Of course, a number of reasons occur to one as one thinks of it; but there are different orders of importance. If the point you mention now was the only point, that sort of thing one would set to work to try to get over; but, of course, the considerations which you mentioned earlier, the consideration as to whether there can be set up some authority which is superior to Government, and which acts as an arbitrator between what would otherwise be the supreme authority and another authority, those considerations, surely, are of a higher order altogether, are they not? They are not questions of machinery?—Oh, no, I was not attempting to put these all on the same footing.

151. I do not think we need at the moment consider what would be a difficulty, or possible difficulty, of machinery, of finding enough work for people to do.—No; I was only saying incidentally that if this court were appointed it would be given the further powers of the courts on the continent, and in my opinion that would be quite impracticable in Assam. I do not know whether it is necessary for me to go into detail on that.

152. I do not think it is; but there is not, as far as I am aware, any European continental analogy, is there, to a body which would interpose to decide whether taxation should be imposed or not?—No; that is what I say; I do not think there is any analogy for this.

153. I do not for a moment claim to be a complete master of this subject, but I have taken a certain amount of interest in administrative law on the continent of Europe. I do not think that has been done anywhere?—No, I do not think so.

154. *Lt.-Col. Smiles*: The point I suggest is that there is at present sitting in Bombay the Bardoli land settlement court, a court very nearly on the same lines as this.

The Chairman: I do not think we had better commit ourselves to any propositions about that. It is rather debatable, is it not? Please do not imagine for a moment, gentlemen, that I or any of my colleagues here are turning it down; on the contrary, I shall think of it very carefully; but do not you think we might take your suggestion on the one hand, and these comments on the other, which occur to Mr. Soames, and make them the subject of a certain amount of reflection, and I dare say we may have an opportunity, some of us, of talking together about it. I shall be very glad to do so.

155. *Lt.-Col. Smiles*: Perhaps I may touch very briefly on it now, and finish with it in one moment. The only question is expense. If you abolish the two commissioners and the Second Chamber, the administrative court will be cheaper. Would you agree to that?—I am afraid I have not worked out figures.

156. You may take it from me it would be correct.—That depends on the pay you give to the members of this court.

157. You can be sure it would not be low. If the note is read properly, you will find also that all power of veto is not taken away from the Governor or from the Viceroy. I do not propose to go on with this statement. I am leaving question No. 4 out. No. 5 is this: Do you consider that the multiplication of special electorates conduces to the unification of a province?—No, I do not say that, at any rate in the immediate result, it would conduce to unification. On the other hand, it does not create a division which does not exist. They merely recognise existing distinctions, and ultimately the Government of Assam hope that, far from increasing those distinctions, the meeting of these different communities and working together in the council would be a means of diminishing those distinctions, and would perhaps mean their practical extinction.

158. *The Chairman*: Would you clear up one thing about question No. 5 as you go? You speak of the multiplication of special electorates. Is that using the word special electorates in the sense of special constituencies, or are you referring to communal constituencies?

Lt.-Col. Smiles: Well, I am referring, for one to the Ahoms, for another to the Marwaris, for another to the primitive races in backward tracts.

The Chairman: I understand. I only wanted to be clear.

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165. *Lt.-Col. Smiles*: * * * No. 7 is this: If the Governor be a member of the Cabinet, with power to distribute portfolios, will not he be the *de facto* Prime Minister?—That question and the following one have already been put, though not in so many words. It is really the same question Major Attlee asked.

166. The answer is in the affirmative?—It depends what you mean by "actual Prime Minister." It is undoubtedly true that in the proposals of the Assam Government the Governor is to be a member of the Cabinet; on the other hand, he will not be an elected member, and he will have certain powers of control, and to that extent the Government of Assam consider diarchy, or whatever you like to call it, necessary.

Lt.-Col. Smiles: I will omit No. 8, as Major Attlee has already asked it.

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168. *Lt.-Col. Smiles*: * * * (To the Witness): On how many occasions since 1921, and for how long on each occasion, did any members of the Government of India visit Assam?—In the time at my disposal I cannot guarantee the information I have got together is complete, but I will give the Conference such information as I have. His Excellency the Viceroy came to Shillong for two days in 1926. Sir Bhupendra Nath Mitra came to Assam in October, 1925, and visited a number of places, staying in the province for a fortnight, and Sir Muhammad Shafi also visited Shillong for a few days, but I cannot at the moment find the date.

The Chairman: Perhaps the actual details need not be gone into. Perhaps you will allow me to say a word on this subject. As you know, we have just come from Calcutta, and I and many of my colleagues have reason to know that His Excellency the Viceroy was very greatly distressed at having to postpone his intended visit to Assam. I am sure every one of us here will appreciate that it was only very serious public reasons which made it necessary for him to be at the centre of Government at this time. It would be very undesirable for anyone to suppose the Government of India does not desire to take a full interest in Assam. I am sure it does; but at the same time, as I observed this morning, many bodies going through India do not visit Assam.

169. *Lt.-Col. Smiles*: Very often. May I say that whatever disappointment the Viceroy felt, we feel ten times as much as he did. (To the Witness): No. 12: How many Indian Civil Service officers belonging to the Assam cadre have served under the Central Government during the same period, and for how long?—That information I can give complete. One officer has been and still is continuously employed under the Central Government; another was employed in the Political Department up to March, 1928, when he resigned; another officer was temporarily employed for 7½ months in the Government of India secretariat from 1926 to 1927, and one other officer acted as chairman of the Labour Board for 4 months in 1926.

170. No. 13: Do you consider Assam is sufficiently represented in the Legislative Assembly and the Council of State?—That question has already been answered in the memorandum; we have recommended increased representation in both.

171. You do not consider it is properly represented now?—No.

The Chairman: It is dealt with on page 55.*

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172. *Lt.-Col. Smiles*: * * * No. 16: If the ministers were elected by the council instead of being nominated by the Governor, would not this remove one of the principal reasons for the existence of the present Swarajist party?—I am afraid that is rather an impossible question to answer; the Swarajist party alone could answer it. There are other objections to the proposal, but they do not arise actually from the question. I am not here to answer for the Swarajist party.

173. Then you have no opinion on the matter at all from your experience on the council?—If you ask me whether the present members of the Swarajist party are likely to be content with a situation where the ministers are elected but are irremovable by the council, I should say it is extremely unlikely.

174. No. 17: What objection do you see to a system under which ministers are elected by the council for the duration of the council?—The main objection which I think the Government would take is that with the present entire absence of party organisation in Assam, if you had a system of election you would never get a Cabinet elected the members of which would work together. That is the most serious objection. Whether later when a party

* Vol. XIV.

organisation is formed it would be workable or not I am not in a position to say, but for the present I think it is quite certain it would be impracticable to get any elected Cabinet which could work on the basis of joint responsibility. Then there is the question of irremovability, which has been omitted from the question but which is an essential part of the proposal. I think to create a Cabinet for five years (or whatever the period of the council is) which is irremovable is an exceedingly dangerous proposition.

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180. Now we will go to the question of the electorates for tea garden labourers. Considering the admission of the Government that the tea garden labourers in this province are a heterogeneous group largely illiterate, is it not likely that they will generally return the clerks to represent them on the legislative council ?—Again, sir, it is quite possible that a clerk might be returned. You might possibly get a sirdar, but it is impossible for the Government to say anything definitely about that. The only solution of the problem is that they should return their own candidate, whoever that may be, and even at the risk of returning their own men who are not sufficiently educated. The Government consider that the risk must be taken.

181. *The Chairman* (to Lt.-Col. Smiles) : Would you mind telling me this ? I rather gather that this question is put as a result of the deliberation of your committee ; but, would it be embarrassing to ask what is the sort of suggestion for the representation of labour in tea gardens which your body thinks would be preferable ? I am simply asking it for our information ?

Lt.-Col. Smiles : We considered it very deeply and we decided that we would make no suggestions until we have heard all the evidence. The questions which we are asking now and the answers that we get will determine for us the line that we should take.

182. *Rai Bahadur Sadananda Dowerah* : May I intervene, sir, and ask one question ? My question is what is the serious objection to give these people a free choice to elect any one they like ? Why compel them to elect only one from the qualified electors ? Why not give them a free choice ?—You mean that the candidate need not be a member of the electorate ?

183. Yes ; any one candidate ?—Well, I think at any rate to start with, considering the infancy of the constituencies and considering the nature in which they are formed, they should be represented by one from among themselves.

184. Do you think it is practicable that they would effectively be represented by one who is on the electoral roll ?—The Government have considered whether such a representation will be sufficiently effective or not, and they consider that it is the most effective representation that could be devised at the dresent moment.

185. *Lt.-Col. Smiles* : As regards the second part of this question, do not the clerks generally belong to those sections of the community which have taken to politics ?—Yes.

186. And now the third part of the question is, if any labourers are returned, will they not be perfectly powerless to represent their interests owing mainly to their unfamiliarity with the languages allowed to be used in the council and their ignorance of political affairs ?—Well, that is practically the question which I answered just now. It is very difficult now to say who would be returned. There might presumably be sirdars sufficiently educated to follow the proceedings. If it is decided to elect a man who is not sufficiently educated to follow the proceedings at all, that is a risk (it is an admitted risk), but the Government consider that it is a risk which must be faced, and that their scheme is the only means which could be devised for giving any effective representation to the tea garden labour force at the moment. That is the only answer I am afraid I can give to that.

187. The next part of the question is, do you not think that these representatives of the labourers, whether clerks or labourers, will be under the risk of being exploited by the politicians in the council to the prejudice of the tea industry ?—I do not see any reason for fearing that, sir.

188. Question No. 2. Will it not be much better to distribute the labourers among the general constituencies on the basis of adult suffrage and allow them to influence the elections wresting pledges from the candidates to look after their interests ? —There are two or three points involved in that. The Government do not agree to adult suffrage, and they do not admit the second part that they could exercise any effective influence in the manner proposed.

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197. Question No. 12. Does the electorate of the Shillong urban constituency include a large number of persons residing in a non-British area ?—Yes.

198. What was the total electoral roll at the last election ?—I think the figure is 1,507.

199. What was the number of voters residing in the British portion alone ?—There again I think it is about one-third, but I can give you the exact figures later.

200. Two-thirds of the voters were outside the British territory, and one-third within ?—I think that is so. I speak subject to correction.

201. Is not the Gauhati municipality very much larger than the Shillong urban constituency ?—Without the book I cannot give any answer to that.

202. I think you will find that Gauhati is twelve times as big as Shillong. What is the particular reason that Government gave a separate constituency for Shillong, while they will not give the same to a very much larger municipality in Assam ?—There again I am afraid I must, to use a parliamentary expression, ask for notice. I am really not prepared to answer that question off-hand.

203. *The Chairman* : Many of us also would like to know that. You see what strikes us very much is the very curious fact that in the province of Assam with its legislative council sitting here, there is, as I felt it, only one member who represents an urban constituency ?—Yes.

204. But that is very unlike what has been the custom in other places. Of course I appreciate how very important the rural interests are. I would rather like to know how many municipalities there are in the province. You may just see that ?— Speaking again subject to correction and without the book, I may say that the distinct reason in the case of Shillong was that otherwise there was no franchise at all here, whereas all the other municipalities are already enfranchised in rural constituencies.

205. Of course there is no Law of Medes and Persians that you must divide constituencies into urban and rural constituencies. It is a convenient expedient in countries which lend themselves to such treatment. And it is because you get so large a concentration in the electorate in an urban area that you treat the urban area as separate ?—Yes, sir. One of the qualifications is that payment of municipal rates qualifies for a rural constituency. There was already enfranchisement in every municipality excepting in Shillong, and but for this urban constituency, there would have been no franchise at all for people living in Shillong. That is the main reason.

206. I was looking into the electoral rules for Assam in the rural constituencies, whether Muhammadan or non-Muhammadan, and I find that a person would be qualified for an elector who is in the previous year assessed to municipal tax or rates ?—That is so. I was saying that payment of municipal tax qualifies a man to be an elector in the rural constituency.

207. There is some reason to think that the rural areas here might need increased representation ?—

That is clear from the statistics given at pages 14–16, paragraph 14.*

208. It is worth while to look into this statement at pages 14–16*. From the percentage of urban population which is enfranchised and from the percentage of rural population enfranchised one would observe that generally speaking the percentage of rural population enfranchised is a good deal lower than the percentage of urban population which is enfranchised ?—Yes. Unless you have a separate urban constituency for Shillong, you will get no representation at all for Shillong.

209. *Lt.-Col. Smiles* : Question No. 13. Are your objections to the adoption of adult suffrage based mainly or solely upon the impossibility of providing more polling stations and finding the necessary staff ?—From the Government memorandum you will find that at any rate the main objection is not merely the finding of the necessary staff. You might be able to find the staff, but you could not do it without great sacrifice of the public interests, because to enable you to have polling stations for all the population, you will have to close down all work for a long period. We are very much restricted in our cadre and it will be very difficult to run anything like adult suffrage in this province without suspending all other work for a long time, and Government do not consider it feasible or desirable.

Lt.-Col. Smiles : The second part of that question is answered by your answer to the first.

210. *Mr. Hartshorn* : With reference to adult suffrage, do you mean that it would be impossible to work on the election day, or at other times ?—During election times principally. You mean as regards the registration of them ?

211. Yes ?—Of course that also would be difficult, but what we are referring to now is the election time.

212. *The Chairman* : Your difficulty is that owing to the great preponderance of illiterate voters, you must have suitable officers who would be impartial ?—Yes, sir. We must have responsible officers.

213. For what period of time does your general election extend in this country ?—Fourteen days, sir, I think.

214. *Major Attlee* : I think the majority of the educated classes would be interested in politics ?—Oh ! yes.

215. *Lt.-Col. Smiles* : As regards representation to the Council of State, what are the total electoral rolls for the Muhammadan and non-Muhammadan constituencies of the Council of State for this province ?—I think the figures for the non-Muhammadan constituency are 287, while there are 71 in the Muhammadan constituency.

216. Do you see any objection to the proposal that all provinces should send an equal number of members to the Council of State ?—I do not see any reason why they should ; I do not see any justification why the province of Assam, for instance, should send an equal number of members as a province like Bombay. The question has not been considered by Government.

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219. Now about the Public Service Commission. Is it not likely that a provincial Public Services Commission constituted in the manner proposed in the memorandum of the Government of Assam will not inspire public confidence to the same extent as a mixed Commission of officials and non-officials like the Central Public Service Commission as at present constituted ?—I do not think that the Government have tied themselves in the memorandum as to the exact constitution of the Public Service Commission. They suggest that the Commission could be constituted of Government servants in active service without expense ; beyond that they do not say anything. I do not say the Government would object to a mixed Commission though this would be more expensive.

220. *Sir Arthur Froom* : On page 54* you say that " Outside the council they (that is the officials) will " remain, as in England, a very real power in the " background." Would you explain further what is in the Government's mind in putting it in that way ?—The permanent civil service in England, I imagine, is admitted by all to be of very great help in turning the wheels of the Government and so whatever Government comes into power must for many years to come depend on the permanent civil service.

221. But have you got stability in your province as they have in the various departments at Home ?—The Indian Civil Service, as far as I can see, has as much tradition behind it as the Home Civil Service. In the secretariat an officer may remain for five years or so and by the experience so acquired he would be, I trust, of some assistance to the members of the Government.

222. On page 51* you have made a suggestion for the total number of members for the provincial council—50 for general constituencies, 10 for special constituencies and 10 nominated members. Out of the nominated members is there any room for an Anglo-Indian ? Are there many Anglo-Indians in this province ?—There are not very many, I think. I understand that one of the members of the Provincial Committee will be putting this question to the European Association this afternoon.

223. Then I will leave it at that. Out of the seventy members of your council, do you visualise any particular party to have a majority ?—No, and that is the reason why the Government have made this recommendation, that there should be eight nominations practically resting with the members of the Government. They do not visualise that in the immediate future there will be any effective party organisation in Assam.

224. Then turning to page 381* you say, " In " the absence of any proper party organisation in " Assam, the members of the Government must be " chosen by the Governor. The Governor will " nominate them with due regard to their com- " manding a possible majority in the legislative " council. . . ." How are you going to do that ?—Individuals may have considerable following. Even now there are private party organisations in the council. I think a minister or member could assure the Governor that he could count on so many votes. As a matter of fact, with the experience of the past, one could know that a representative of a certain community, for instance, could more or less rely on the votes of his community.

225. Would the four members be of the same community ?—It is impossible to say ; that will depend on the constitution of the council and on the Chief Minister and his influence as to how far he could run the Government with members other than those of his own community. Probably it would be confined to one community, but it is impossible to forecast what would happen.

226. The whole thing is rather doubtful ?—It is impossible to say how the Cabinet would be constituted at all.

227. Turning to the All-India Services, pages 482 and 483,* how would you propose to preserve a certain proportion of the All-India Services in the departments that will be transferred ? You say that the Government recognise that with the transfer of all the departments the personnel should be selected from the provincial service and then you go on to make an exception in the case of the Indian Civil Service and the Indian Police Service. How would you preserve the All-India Service, for instance, in the Forest department ?—You refer to the existing incumbents of the posts ?

228. Yes.—The proposal is that in future there should be no All-India Services in the sense in which

* Vol. XIV.

it is understood at present; and as regards the restrictions about the Indian Civil Service and the Indian Police Service the proposal is only that of a part of the Government; you will see that there is a difference of opinion on these two services. But as regards the other services the Government are willing to provincialise them subject to the protection of the interests of the officers now in service. That is to say, the interests of the officers in the Forest Service or the Engineering Service, for instance, should be protected in the way that has already been laid down in the case of the services working now in the transferred field. The idea is that, on the Lee Commission's recommendations, they should be given the option either of retiring on proportionate pension, or entering into a fresh agreement with the provincial Government on their own terms or remaining to complete their service under the same conditions as at present.

229. You make exceptions in regard to the Indian Civil Service and the Indian Police Service?—The Members of the Executive Council and the Governor would exclude the Indian Civil Service and the Indian Police Service from this proposal. They would prefer that these services, as at present, should be appointed by the Secretary of State.

230. On page 463* it is stated that " . . . pro- " vincial autonomy was impracticable, but that, " given a strong Central Government with the power " of effective control over provincial Governments in " certain matters, there should be an advance in " the direction of responsible government in the provinces." Would you suggest that the Central Government should remain as it is or be made stronger? I want to know what is meant by that paragraph. It seems to me to be very important because the whole of these recommendations appear to me to hang on that one phrase you have used, namely, that given a strong Central Government these things might be given effect to?—That is perfectly true. The Government of Assam were not in a position to make any recommendations about the Central Government and they did not do so, but they recognised that there would be a criticism of their proposals. It is no doubt an unfortunate gap in the proposals, but it is a gap which they could not bridge themselves.

231. You do not like to say anything further?—I am afraid I am not in a position to say what the Government of Assam would consider to be a satisfactory Central Government.

232. But you stress that there must be a strong Central Government?—Yes, that is so.

233. *Sir Hari Singh Gour*: There was a resolution in the local council in 1925 for the grant of provincial autonomy to Assam. Is not that so?—I have forgotten the year, but there was such a resolution.

234. Was it resisted by Government?—I am afraid I cannot say whether the Government took any part in the debate.

235. Have your Government given due weight to that resolution passed by the legislative council in favour of the grant of provincial autonomy in formulating their proposals?—They have given due consideration to the wishes of the council, but I think when the words " provincial autonomy " were used in that resolution, the members really meant responsible government.

236. But whether it is provincial autonomy or responsible government your proposals amount to neither. You recognise that?—(No answer.)

237. They do not even amount to the perpetuation of the present satisfactory or unsatisfactory system of diarchy?—They go much further.

238. I do not think so because under the diarchical form of Government the control of the minister is technically absolute; it is not subject to the control of the Governor-General. Now under your present scheme you would tighten the hands of the Governor-General and give him more control over all the departments, transferred or not transferred?—I cannot agree that the minister under the present Government is not under control; he is controlled by the Governor. This Government have recommended that the control of the Governor should be transferred to the Governor-General and to that extent I admit that it is not in the direction of provincial autonomy.

239. Your position really comes to this: You do not give them provincial autonomy, you do not give them responsible government, you do away with diarchy and you transfer the power of the Governor to the Governor-General?—I am afraid I cannot accept that as a true statement. The Government proposals go a considerable way in the direction of responsible government.

240. In reply to Lord Burnham's question you gave an answer which has been exercising my mind. It is this: You said (I have taken down these words—correct me if I am wrong) that you would like to give the Government of India larger powers of control even in regard to the reserved subjects than what they possess now.—I do not think I said that. I do not think that it is contemplated that they should be given a larger statutory power.

241. *Lord Burnham*: I think you said that you thought that there were statutory powers now which were meant to be more constantly exercised. You gave some examples too?—Yes.

242. *Sir Hari Singh Gour*: You do not think that they have been more constantly exercised. But if you turn to your memorandum you will find that the Government of India have been exercising these powers pretty frequently?—I said that mostly they were in reserved subjects.

243. But do you want them to exercise them more frequently than they have been doing in the past?—I cannot say whether it is more frequently or less frequently; it depends entirely on the future; I cannot forecast.

244. You would like to extend these powers to all the transferred departments?—Not to all the transferred departments. If the subjects of Law and Order were transferred, the Government of Assam would prefer that they should be subject to the control of the Government of India.

245. *The Chairman*: I am very much obliged to you, Sir Hari Singh Gour, for bringing out this point. I am myself a little confused. Let me get the result as the witness regards it. As things are now you have got topics A, B, C and D already transferred in the hands of the ministers here. Do I follow rightly that you are not proposing that there is to be any increase of the control of the Government of India as regards topics A, B, C and D under your scheme?—Not in most of the transferred subjects.

246. The question is not about most of the transferred subjects. The question is as regards those which are already transferred and are in the hands of the ministers. Do I follow rightly that you do not propose under your scheme any additional control from the Government of India in respect of those subjects?—It is a recommendation to prevent a complete breakdown of the administration. That is, the Governor would have the power of intervening in the event of a complete breakdown and that would apply to all departments. It is only " in " certain circumstances," as stated at the bottom of page 384* of the memorandum.

247. The two passages, one on page 383 (*a*), and the other in page 384 (*e*),* seem to be in point?—Yes.

248. *Sir Hari Singh Gour*: It comes to this, that your scheme goes backward and takes away the powers which the ministers now possess in the transferred departments?—I do not think it affects the powers of the ministers.

249. It tightens the hold of the Governor-General over those departments. It gives him larger powers than he now has?—These are exceptions relating to the duties of the Governor and not the Governor-General.

* Vol. XIV.

250. We will say the Governor. In giving the Governor larger powers you take away the powers from the ministers ?—The Governor has now complete power over the transferred subjects.

251. But you wish to give him more powers ?—No ; I do not think so. It is not over the ministers ; but it is over the council.

252. Over the subjects ?—Over the council. You give him only residuary powers. In case of a breakdown he will have the power to certify the money and carry on the administration.

253. It comes to the same thing. The more power you give to the Governor the less power you have for the ministers ?—Whether that is so or not is a matter of opinion. But the point is that if the minister resigned or if he did not function or if the legislative council is so obstructive as to prevent the Cabinet functioning there must be some provision, an emergency provision only.

254. While saying " in cases of emergency " you give him the power to interfere in the day-to-day administration of the transferred departments ?—I do not think so.

255. You give the Governor more power now under your scheme ?—No, because clauses (*a*) and (*b*) are two distinct things in the Act. Section 72 D (2) (*a*) relates to reserved, and (*b*) relates to other departments. We have abolished (*a*) and both are combined together in one clause in our proposals.

256. *The Chairman* : It stands like this at present. As you just pointed out, Section 72 D (2) of the Act is dealing only with the expenditure and not with legislation ?—Emergency is the word used. It is for authorising the expenditure in case the council cannot meet in proper time to grant the demand.

257. Dealing solely with expenditure and grants, as you pointed out, the present provision is divided into (*a*) and (*b*). (*a*) refers to a demand relating to a reserved subject and you are getting rid of it under this scheme or it will become a dead letter. (*b*) refers not to reserved subjects but is general, and what you are doing as far as I can see is, you are suggesting that it should become an effective provision in all cases ?—(*a*) only refers to the restoration of grants refused. (*b*) is for authorising expenditure in advance of going to the council and where Government cannot wait to get the council vote. The Government's proposal is to combine the two into one. They suggest that if you abolish the words " in " case of emergency," they can get what they want by using (*b*) alone.

258. *The Chairman* : The only thing that I venture to point out—as pointed out also by Sir Hari Singh Gour—is whether the phrase " in case of emergency " is properly to be explained as merely being an anticipation of a meeting of the council. I do not think that is so. If you were to suppose a case where a council has rejected altogether the expenditure which will be absolutely necessary for the carrying on of the department, then if the thing was an emergency in the sense that something must be done the Governor can do it.

Sir Hari Singh Gour : That is how it has been worked for the last 8 years.

259. *The Chairman* : I know of an instance in Bengal in Lord Lytton's time ?—I think it is also interpreted to mean that the Governor has the power to authorise the expenditure in advance of the council.

260. *The Chairman* : I do not exclude that. But I do not myself read it as the only possible case of emergency—a case where something ought to be done before the council met. I can see that a case of emergency might be supposed to arise not because the council has not met but because it has met and it has rejected something which the Governor thinks is absolutely necessary for the carrying on of the department.

261. *Sir Hari Singh Gour* : That is so. The point I make is this. If your proposal is accepted you will see that the Governor shall have the power in all cases of emergency or no emergency to authorise such expenditure as may be in his opinion necessary for the safety or the tranquility of the province or for the carrying on of any department. If you want to give the Governor that power, why not abolish the local legislature altogether ?—It is a question of the wording of the phrase. What this Government intend is that this should be an emergency power. How the clause should be worded, I cannot say.*

Afternoon.

Mr. SOAMES—*continued.*

163. *Sir Hari Singh Gour* : I was dealing with the question of the maintenance of law and order. Would you kindly turn to page 464, fifth line from the bottom ?* " The Governor and the Members of the " Executive Council would also advise that the pro" visions of that rule (that is rule 49 of the Devolution " Rules) should be supplemented by an amendment " giving the Governor General effective control over " matters affecting internal security and the main" tenance of law and order, including the adminis" tration of justice and police." Do you regard these as distinct branches of administration, affecting internal security and the maintenance of law and order and the administration of justice and police, or are they all mixed up ?—They are all mixed up.

164. As regards the administration of justice, what is your view about the control of the judiciary ? I do not suppose you want the control of the magistracy and the judiciary to pass to the Governor General in Council ?—The control of the judiciary, no.

165. Nor do you want the control of the police as such apart from the laying down of the policy ?—You mean the actual administration of the department ?

166. Yes.—No ; that will remain with the provincial Government provided that the Government of India could interfere if they consider that the local Government has not, for instance, maintained an adequate police force.

167. The difficulty that I see is this. You have at the head the Secretary of State with the power of general superintendence, direction and control over the Government of India, then you have the Governor General in Council with exactly the same powers over the Governor, we will say ; and then you have got the Governor who sits as a member of the Cabinet with no portfolio of his own but at the same time wielding certain powers of reference to the Governor General ; then you have got the ministers and then you have got the legislative council. You have got these five different bodies. If there is a conflict between any two of them, have you any solution to offer ?—I would rather wish a concrete case stated.

168. I would give a very good example. The legislative council finds that a certain disturbance in a particular area does not call for the constitution of a punitive police. You go to the legislative council and you ask the legislative council to vote a certain sum of money for the maintenance of a punitive police for a period of five years. The legislative council say " No, we do not want to give you this money, we will

* Vol. XIV.

" give money to you for one year." You say " No, " we cannot possibly have a punitive police for one " year, we want it for five years." The legislative council turns down the proposal. The minister thinks otherwise. The Minister or the Member in charge of Law and Order says " One year is too little " and five years is too much ; it must be for two " years." The Governor says it should not be for two years but it should be for five years. The Governor-General says it should be neither for one nor for two nor for five years but it should be for three years. The Secretary of State says, " No, it should " be for four years." Here you have got a conflict and they all insist under the general power of superintendence, direction and control. How are you going to settle this conflict ?—The highest authority will naturally win.

169. Consequently, what you are transferring is power to the Secretary of State ?—The Government have not made any recommendations as to the powers of the Secretary of State.

170. It comes to that.—That depends on what the Secretary of State's powers would be.

171. Assuming as you have done that there is to be a strong Central Government, that Central Government cannot be strong unless it is itself subject to some other control. It can only be under the control of either the legislature in India or the Secretary of State. It must have some control ; it cannot be a paramount Government without any control at all ; somebody must control the Government of India. Therefore you have assumed that there will be a strong Central Government which will have the power of superintendence, direction and control and that Central Government will be the creature of the Secretary of State. The result of that is that you are strengthening the hands of the Secretary of State and asking him to decide the question as to what should or should not be done at Gauhati ?—That is not what I mean. The member is making certain deductions. If the deductions can fairly be taken from the memorandum, I have nothing to say. If the memorandum does not justify these inferences, no answer is required.

172. What is the population of the Muhammadans in your province ? Roughly speaking it is about 29 per cent.?—Yes, about that, of the total population.

173. The rest is about 71 per cent. and the seats which you propose to allot to the various communities are on the basis of their population ?—Not entirely, I think. I think the ratio between the Muhammadans and the Hindus is more or less in proportion to their population. But I do not think the labour representation works out proportionately and probably also the backward classes do not work out on that basis.

174. Who are your ministers and members now ? Is it not a fact that the executive councillor and the first minister and the second minister are all non-Hindus, two Muhammadans and one Christian ?—That is so.

175. There is not a single Hindu member ?—At the moment, no.

176. When you speak at the moment, I will take you back to 1921. Is it not a fact that the Executive Councillor has always been a Muhammadan in your province ?—Yes.

177. And it is also a fact that during the last 8 years during which the Reforms have been working in your province you always had at least one Muhammadan and one European and one Hindu—and no more than one Hindu—either as a minister or a member, that is, the maximum of Hindus was one and the minimum was zero ?—That may be correct, but it requires to be verified. If you say it is so, I will take it so.

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179. *Sir Hari Singh Gour* : Can you give us any explanation as to why while you have all the representatives from the 29 per cent. of population, you have left severely out the 69 per cent. of the population in your Cabinet ?—The appointment of the Cabinet rests with the Governor.

180. At any rate you know of no reasons ?—I do not say I could not imagine. I am merely here as a witness of the Government.

181. You recognise that the existence of an official *bloc* is an impediment to the formation of parties or to the formation of a party government ?—I do not see why it should be.

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183. *Dr. Suhrawardy* : Sir Hari Singh Gour has suggested to you that during the last 8 years the 69 per cent. of the population was left severely alone and there was no Hindu member in the Cabinet. Would you kindly tell me who were the members of your Cabinet in 1921 ? Was there any Muhammadan minister in 1921 ?—Mr. Abdul Majid was a minister in 1921.

184. There were two Abdul Majids ?—Yes, one was an Executive Council Member and the other was a Minister.

185. The former was a Government official and it was an accident that he was a Muhammadan ?—He was a Government officer.

Sir Hari Singh Gour : In the case of a Muhammadan it is an accident and in the case of a Hindu it is a design.

The Chairman : As a matter of fact when the comment was made I was wondering whether you were urging communal representation of Hindus in the various offices of the Government.

Sir Hari Singh Gour : I do not want communal representation. I am merely pointing out.

186. *Dr. Suhrawardy* : I want to know whether in 1921 when the Reforms were inaugurated there were two Hindu ministers ?—Yes, there were two Hindu ministers, Rai Bahadur P. C. Dutta and Rai Bahadur G. S. Barua.

187. There was no Swaraj party then in existence ? —No.

188. The non-co-operation movement had kept out the Swarajists ?—That is correct.

189. May I also suggest to you that the fact that in the present Cabinet there is one Muhammadan minister and one Christian minister is largely due to the fact that amongst the Hindu members of the legislative council many are Swarajists and they are not prepared to accept office ?—As I said this question of appointment of the Cabinet rests with the Governor; but I should imagine that is so.

190. A very large number of Hindu members are not prepared to accept office and the choice of the Governor is restricted to a handful of Hindu members ?—Yes, especially in the Surma Valley.

191. I find on page 29* it is stated that the present representation on the council of the various communities is based on the census population of 1911 ? —That is correct, yes.

192. Am I right in saying that there are 12 Muhammadans now in the present legislative council and that roughly speaking it is about 30 per cent. of the total strength of the council ?—Yes, of the total elected strength.

193. On page 51* I find it mentioned that the number of Muhammadan constituencies should be increased by three. But I find in paragraph 60* it is stated that if these proposals be accepted the total number of elected members would be 60 as detailed therein. Then against Muhammadans the number given is 15. That is you raise the number of Muhammadans from 12 to 15 ?—Yes.

194. But when I compare the percentage of the Muhammadans in the present legislative council and the number in the proposed council, I find that the supposed increase is like the increase in Muhammadan law, that is to say it is really a decrease, although in the memorandum I find it stated that owing to immigration the Muslim population has largely

* Vol. XIV.

increased. You say " the number of electors has " rapidly increased, a process which will continue " ? —But you must remember in the new council as proposed there are separate electorates of people who are not represented now.

195. That is no reason why the Muhammadan representation should be decreased. Since 1911 they have considerably increased in population even on your own showing, due to immigration and due to the natural process of increase and you say you are increasing the number by three. But that is really a decrease ?—The number of Muhammadan representatives is increased. Their percentage of the total House may not have been increased ; but that is due to the fact that in the new council the Government have recommended separate representation of other communities who are not represented at present.

196. *The Chairman* : I am not quite clear whether the answers are meant to say that the Muhammadans since the census of 1911 have increased at a rate disproportionate as compared with the other communities. That there has been an increase in the population of the Muhammadans is clear. But I find the non-Muhammadans have increased too. How is it ?—Of course there has been an increase in population all round. But the increase in Muhammadans has been still greater, not merely due to natural increase but to immigration.

197. Is it the case that compared with the total population the Muhammadans to-day form a larger percentage than they did in 1919 ?—It is most probable.

Dr. Suhrawardy : Therefore according to your present proposal it is a decrease in representation and not an increase. I only say it is like an increase in the Muhammadan law.

198. *Rao Bahadur Rajah* : Out of the 39 elected members in your legislative council how many belong to the indigenous primitive races, backward or depressed classes ?—It is rather an invidious question. The member might not agree with me in this classification. There is a statement published on page 8* which gives the representation of the various communities.

199. I find this term used in the memorandum on page 49*. It is stated there, " The Government of " Assam, therefore, are constrained to advocate the " formation of separate constituencies, two in the " Surma Valley for the backward classes ; and six " in the Assam valley," one in each district, for the indigenous primitive races and the backward or depressed classes of that part of the province ?— There are certain races named in the memorandum on page 48*. Among those races or castes, the only one that has had any representation is the Koch community. But Government have recommended that every Koch need not necessarily be in the special electorate. It is open to any Koch to say that he does not want to remain in the special electorate.

200. Are you in a definite position to let me know how many of these classes are in the legislative council ?—All I can say is that among all those communities including the Kochis there have been only four members during the whole period.

201. At present ?—Since the Reforms.

202. Can you say how many were there in the first council, how many in the second council and how many in the third ?—No. The total number altogether in all these councils has been four.

203. In paragraph 53 you say, " Apart from the " labour population there are included at present in " the non-Muhammadan constituencies a large num- " ber of different races which cannot at any rate for " many years to come ever hope to secure adequate " representation. For instance, the population of the " plains districts of Assam include more than 500,000 " animists, who, like the tea garden labour force, have " little or nothing in common with the rest of the " electorate, and have in fact no chance of obtaining " any adequate representation. * * * Some " of these races have adopted Hinduism, at least " nominally, but the facts regarding successful can- " didature in the past hold out little hope that those " who have done so will obtain any real representation " in the legislative council. Even those who have " done so obtain no real representation from the " Hindus, who alone can secure election in the " constituencies as now framed." Therefore, am I to understand that under the present system of elections it is difficult for members of these communities to seek election successfully ?—Yes.

204. You have got municipalities or town committees and you have 25 of them ?—It may be 25 ; I am afraid I do not remember.

205. In how many municipalities or town committees are these classes represented ?—I am afraid I do not know.

206. You have got nineteen local boards in Assam. How many members of those boards belong to the depressed classes ?—I am afraid I do not know that either.

207. Will you kindly let me know the population of these classes in Assam ?—You will find the figures given on page 48* for some of them, at any rate.

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211. *Lt.-Col. Smiles* : There is one question I should like to ask. The Assam Government wish the hill districts to be taken entirely out of the power of the legislative council ?—They want them to be separated from the province altogether.

212. There is a deficit on the hill districts. Who do you suggest should pay that deficit ?—If they are separated altogether from the province they will either be constituted as a separate province (and if they had a deficit, presumably they would have to get a contribution from the Government of India) or they would be directly administered as part of the Central Government, in which case again the deficit would fall on Central revenues.

213. You do not suggest the legislative council should have no power over the hill districts and yet have to continue paying to make up the deficit for them ?—No.

214. *Rai Bahadur Amarnath Ray* : It has just been suggested that the rates of increase of the population of the various communities should be taken into consideration in allotting the number of members, and it has been pointed out that this matter was not adequately considered in the case of the Muhammadans of this province. May I point out to you the danger of accepting this principle ? Once you accept it, will not every community think they can acquire greater political power by multiplying during the period intervening between two constitutional changes, and will not this mean greater squalor, poverty and so on ? (No answer.) Under the constitution you propose for the provincial legislative council, the representatives of special interests will be about as numerous as those returned by the general constituencies ?—There will be ten.

215. You suggest twenty Hindus and fifteen Muhammadans for the general constituencies, and ten nominated members who are special ?—There will be fifteen separate electorates out of fifty.

216. There are the planters ?—They are a special constituency.

217. And the nominated members to represent special interests ?—Two, yes.

218. Will such a constitution help the growth of any but communal parties in the council ?—It is very difficult, as I said before, to forecast the future. Government believe they are only doing justice in recognising existing distinctions, and they hope and trust that so far from accentuating these differences, when the communities work together in the council they will tend to sink those differences, and in the long run it will tend to destroy the acute communalism which sometimes exists in parts of India.

219. You have proposed special representation for

* Vol. XIV.

some of the so-called depressed classes. You have admitted there is no Hindu in the Cabinet in this province ?—At the moment.

220. So Government have not had the advantage of the advice of any Hindu member of the Government or any prominent Hindu politician of the province in drawing up this memorandum ?—I cannot say. Presumably Government have considered the opinions of prominent people, but I am not in a position to say which or what members have been consulted. They are not in the Government themselves, at any rate.

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Rai Bahadur Amarnath Ray : * * * If we give separate representation to the depressed classes now, then the social uplift which is at work in this province would be retarded.

224. *The Chairman* : You would be opposed to separate representation for these classes ? Your view is in opposition to the Government view ; you hold there ought not to be separate representation for the depressed classes ?

Rai Bahadur Amarnath Ray : For some at least of these classes ; not all. I do not go so far as to say all, but I think it undesirable for some at least to whom the Government propose to give separate representation. I shall not go further than that at present. (To the Witness) : Are you aware that Rai Sahib Das, who has submitted a memorandum on behalf of the Mahishyas of Sylhet, says therein that these people are neither depressed nor backward, but are a respectable and progressive people?—He says something to that effect, certainly, but as the representatives of these communities will be giving evidence themselves, I had rather they stated their own case as regards their social conditions and status.

The Chairman : This is the community one sees referred to at the top of page 49,* the Mahishyas.

Rai Bahadur Amarnath Ray : I should take up a good deal of the time of this Conference if I gave details to prove that the Mahishyas are not only a respectable and progressive caste, but as a matter of fact a most influential caste, in no need of special protection. * * *

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227. *Rai Bahadur Amarnath Ray* : You propose to create a special electorate for the Ahoms of this province ?—Yes.

228. Is not it a fact that since the introduction of the Reforms one Ahom member has been returned by a general constituency at each one of the three elections ?—I believe one has been returned at each.

229. Are you aware that Rai Bahadur Radhanath Handiqui, a prominent member of the Ahom community, has submitted a memorandum to the Statutory Commission ?—Yes.

230. Was not he an eminent member of the Assam Civil Service ?—He was.

231. Is not he a nominated member of the present council ?—Yes.

232. Does he demand separate communal representation ?—No, I think not.

233. In fact, he says he is not in favour of any communal, social, economic or other special representation, and the only exception he is, unwillingly, prepared to make is in favour of the tea industry ?—On the other hand, the opposite point of view has also been stated. There are representations from the Ahoms attached as an appendix to the memorandum.

234. Has any other member of the council suggested you should give them separate representation ? —I do not think the question has ever arisen in the council at all, if that is what you mean.

235. You propose to give the Rajbanshis and Kochis two members ?—There are to be eight members (two in the Surma valley and six in the Assam valley) but they are not to be for two particular communities ; they are for the backward classes in the Surma valley and in the Assam valley for " the " indigenous primitive races and the backward or " depressed classes."

The Chairman : You are quite right ; it is dealt with on page 49.*

236. Your proposal is to have one such member for each district in the Assam valley ; six in all ?—Yes.

237. You describe it as " for the indigenous " primitive races and the backward or depressed " classes " ?—Yes.

238. You propose that each of these members shall be elected, do not you ?—Yes.

239. That means you are going to have a list of voters ?—Yes.

240. How are you going to draw up a list of voters for the indigenous primitive races and the backward or depressed classes in a particular district ?—I do not think there will be any practical difficulty.

241. Evidently it will mean that you will draw up a list of all the qualified members within a certain range of castes ?—Yes, and it will be open to any one of them to say, " No, I prefer to remain in the non-Muham- " madan constituency."

242. That is the method, is it ? You are going to make a list of castes or tribes, and the members of those castes or tribes who have the necessary franchise qualification would be put down as voters for this particular constituency ?—Yes. It would be open to them to object.

243. They could inspect the list, and if they liked to say, " I do not want to be on this list ; I want " to be on the general non-Muhammadan list," that would be done ?—Yes.

244. Is there drawn up somewhere a list of the castes which would constitute the " indigenous " primitive races and the backward or depressed " classes " ?—No, not further than what is stated in the memorandum.

245. Where is the best place to find it in the memorandum ?—Page 48,* but it does not profess to be absolutely exhaustive.

246. In substance it would be those six—the Kacharis, Koch, Meeh, Mikirs, Miris and Rajbansis ? —And those in the Surma valley, given at the bottom of the page—the Nadiyals, Namasudras, Mahishyas and Patnis.

247. They would be added in the Surma valley ?— Yes.

248. But the Rai Bahadur has a criticism in particular about the Mahishyas ?—Yes.

Rai Bahadur Amarnath Ray : May I point out to you that the Koch and Rajbanshi communities are an influential limb of the Hindu community, and in no need of any special protection. * * *

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249. *Rai Bahadur Amarnath Ray* : * * * Is not it just possible that this splitting up of the Hindu community will ultimately have the effect of reducing the Hindu majority in the province to a minority ?—I see no reason to suppose that.

250. You propose to give two members only to the landholders of Sylhet and Goalpara. Do you think the interests of those landholders will be sufficiently safeguarded thereby ?—That was the extent to which Government thought they could go to give them representation. I cannot say more than that ; whether the effect of that will be sufficient I am afraid I cannot say.

251. What are the respective areas of the permanent settlement of the two districts ?—Goalpara, 1,518,982 acres and Sylhet 2,411,539 acres.

252. Roughly, what is the total number of landholders in the Sylhet district ?—It depends what you mean by landholders.

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The Witness : In Sylhet under the old arrangement of 1913 there were 152 qualified, but what the number would be now I cannot say.

253. *Rai Bahadur Amarnath Ray*: They were more or less considerable landholders ?—Yes.

254. May I point out to you that Sylhet is the land of the peasant proprietor, and the number of landholders there may be between one and two lakhs ?—" Landholder " is used with different meanings in different places. The landholder in the Assam valley is the ordinary ryot who holds a periodic grant from Government, while under another law the term may have another meaning. As used in the Government memorandum it means a man who pays a certain amount of land revenue ; it means the big man, the zamindar as opposed to the ryot.

255. Is not it a fact that the interests of the petty landholder differ from those of the cultivator ?—By " petty landholder " do you mean the petty zamindar ?

256. I mean the peasant proprietor who pays land revenue to the Government ?—In the Assam valley ?

257. Yes ?—In a permanently or temporary settled area ?

258. Permanent ?—The small proprietor, in other words ?

259. His interests are opposed to those of the cultivator ?—It is rather difficult to say ; I do not know.

260. You propose to give no separate representation to the Bengalis who reside in the province, though they have hitherto been represented by the nomination of one member to the council ; but you propose to give separate representation to the Marwaris, though from the papers we have received it does not appear there has been any demand from them for separate representation ?—As a matter of fact, there is a sort of memorandum which has just been received from the Marwaris which will be passed on to the Commission, I have not read it yet. Presumably the reason why the domiciled Bengalis are not specially mentioned is that after all there is very little difference of interest and race between them and the Sylheti Bengali, as far as I can see.

261. Do not you admit they have large interests in this province ?—They have.

262. And it is very difficult for them to get returned by the general constituencies ?—That I do not know. I do not know if they have even ever stood. Can you tell me of any cases of permanently domiciled Bengalis standing ?

Rai Bahadur Amarnath Ray: I am not going to do that. I am against the multiplication of these constituencies.

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The Chairman (to Witness): We are much obliged to you.*

SHILLONG.

Dated, 5th January, 1929.

PRESENT :

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT [illegible]), RAJA NAWAB ALI KHAN, SIR ZULFIQAR ALI KHAN AND SARDAR SHIVDEV SINGH UBEROI), AND OF THE ASSAM PROVINCIAL COMMITTEE.

Mr. W. C. M. DUNDAS, C.I.E., Inspector-General of Police, Assam.

1. *The Chairman* : Mr. Dundas, I believe you have had a long service : thirty-four years, is not it ?—Yes.

2. Am I right that something like twenty years of that has been spent in the hill tracts ?—Yes, nearly twenty years ; nineteen, I think, would be more correct.

3. We might at once get to that point, especially as later in the day we are going to hear more about the hill tracts. What is the difference between the organisation for the purpose of keeping the peace in the hill tracts and the instrument of order in the plains ?—In the hill tracts there are no civil police ; there are only battalions of the Assam Rifles, stationed at the several headquarters of the hill districts and the headquarters of the frontier tracts.

4. Altogether, how many battalions of the Assam Rifles are employed ?—Five.

5. One at each headquarters in the hill districts ? —And at the headquarters of the two frontier tracts. The people are not strictly policed as they are in the plains ; in fact, they run themselves, and these battalions are there to provide for the security of the place.

6. What are the headquarters of the hill districts ? Just give me the names ?—For the Lushai hills, Aijal.

7. That is in the south ?—Yes. For the Naga hills, Kohima ; for the Sadiya frontier tract, Sadiya. That is right in the north-east corner.

8. Are those the headquarters of the three hill tracts ?—There is another hill tract, the Balipara frontier tract. That is directly north of Tezpur.

9. Balipara ? Is there a headquarters station there ?—At a place called Charduar, with battalion headquarters at Lokra. It is about twenty miles north of Tezpur. It is not very clear on the maps, because there is no one there except the political officer and the people concerned with the Assam Rifles battalion.

10. You keep a battalion there ?—Yes, at Lokra.

11. Where is the fifth battalion ?—In numbers, that is the fifth. The fourth takes the place of a regiment that used to be in the Manipur State, at Imphal.

12. Just one more question about your answer that in the hill tracts the people police themselves. Some of us have been on the north-west frontier, and have learned something of the very interesting organisation of the tribes on the border there. What is the general method, so far as they police themselves in these villages of the hill tracts ?—Where there are chiefs, they have their own chiefs and they have their own traditions and their own rules of conduct, and we interfere only in case of serious offences.

13. I might perhaps remind the members of the Conference that there is a passage in this big book (not in the part which deals with the police, but in Mr. Hutton's memorandum) which says (page 113),† " The policing of the hills again is carried out by the " communities themselves with occasional super- " vision and help from interpreters selected from " village communities by the deputy commissioner " and forming a liaison staff between him and them. " The civil police not only do not enter the hills, " but are generally forbidden to do so. In justice, " too, most of the litigation is similarly dealt with, " the deputy commissioner or the subdivisional " officer acting as a recorder, and even serious cases " of crime are dealt with according to tribal custom " in which the local officer must be an expert." Again, " Cases between communities are also dealt

* Mr. Soames also gave evidence on 5th January, 1928, *vide* pp. 343–348.

† Vol. XIV.

" with by the deputy commissioner and the good " administration of the district principally depends " at present on the personal contact of the local " officer with the tribes under his charge ; if it be " found necessary to devise mechanism for the " expression of tribal as distinct from village life, " the proper method," so Dr. Hutton thinks, " would " be by tribal councils." On the north-west frontier, as I have no doubt you know, there is a very elaborate system by the name of *jirgas*. I gather you have not a similar system here ?—There is nothing like that in any of our hill districts. There is a village council among the Abors, in the Sadiya frontier tract, but there is nothing to correspond with a jirga.

14. As far as your responsibility goes, your responsibility in the hill tracts is discharged with the help of these battalions of Assam Rifles. What is the method of recruitment of the Assam Rifles ? What sort of people do you get ?—The majority in the Assam Rifles now are Gurkhas ; I think they may be taken as forming 70 per cent. at the moment. The rest are locally recruited ; some of them come from certain hill tribes, such as Lushais in the first battalion and Kukis in the third and fourth.

15. Do you find that as a rule you can use for your Assam Rifles men recruited from the tribe in the neighbourhood where the battalion is serving ? —Not in every case. In the Aijal battalion (the first battalion) we can get Lushais. For the battalion stationed at Kohima (the third battalion) we can get Kukis, and for the fourth battalion at Imphal we can also get Kukis ; but for the fifth and second battalions we are unable to get any local people.

16. Let us now pass to the plains, to the two valleys—the Assam valley and the Surma valley. There, I see by the book* (my colleagues will remember it begins on page 248), you have got a civil police force consisting of 4,300 officers and men to police an area of 53,000 square miles, with a population, as we noted yesterday, of about 7,500,000. That means one policeman for every twelve square miles, or one policeman for every 1,766 persons. Is that force recruited locally ?—Mostly. We get a few from Bihar and Orissa.

17. In some provinces we have had explained to us a police organisation which distinguishes between the armed police force and the ordinary police force. How does that stand here in the plains ?—That also obtains in this province. There are the investigating police (that is, the police at the police stations and at courts) and an armed branch. The armed branch is further separated in this way ; there is an armed police reserve and the ordinary armed branch. The armed police reserve is always maintained at headquarters and is very highly trained. The armed branch is employed in guarding treasuries, in forming treasure escorts and other work requiring armed guards.

18. And of course can be moved on occasion to a particular spot ?—The armed police reserve would be.

19. There is one other thing I should like you to tell me about the organisation in this province. Elsewhere, as far as I have observed, under the Inspector-General of Police you have Deputy Inspectors-General, and below them the superintendents and so on. How does that stand in this province ?—In this province there is no one between me and the superintendents of police.

20. There are no Deputy Inspectors-General ?—No.

21. Is there a superintendent of police in each of the nineteen districts ?—No, we have only eight plains districts.

22. You are speaking only of the plains ?—Yes. In the hill districts the deputy commissioners or the Superintendent or Political Officer, as the case may be, are in charge of the police. In the four hill districts there is only a small police force.

23. I should like you to help us with this, if you regard it as coming within your function. A very important question has been raised (and raised, indeed, by the Government of Assam itself) before the Conference, as to the future boundaries of the province of Assam. The suggestion is put forward, and put forward by the Government of Assam, that it would be better if the hill tracts ceased to be any part of the province of Assam and were put directly under some other authority—the Government of India, perhaps. I am not asking you about that as a point of policy, but it would appear that if that happened your present jurisdiction would come to be, as it were, divided. You have jurisdiction in the hill tracts and a duty there, and you have a duty in the plains. You see what I mean ?—Yes. It is still divided in a way, because I still have those five battalions in the hills and I have also got all the civil police in the plains.

24. Yes, but as things stand is the vote for the civil police employed in the plains quite distinct from the provision of the money for the Assam Rifles ?—Yes, it is voted separately.

25. They are both voted, are not they, by the legislative council here ?—There is a non-voted element in each.

26. I know, but as far as it is voted, it is voted here ?—Yes.

27. I am not quite clear about it, but it struck me from such thought as I have given it that if you had the hill tracts entirely separated from the province of Assam your present responsibilities and the men under your orders would no longer be under one provincial authority ; a part would be under something outside the province ?—Yes, I see.

28. I do not know whether that, as a piece of organisation, is a matter to which you have had occasion to direct your attention merely as a problem, or whether you have any suggestions to make ?—I am afraid I have never thought of it. I did not know that was the suggestion.

29. That is the best answer you could give ; I gather the Assam Rifles serve partly in the plains and partly in the hill tracts ?—There is one detachment only in the plains ; the rest of them are either in these three hill tracts I mentioned (the Lushai hills, the Naga hills and Manipur State), and in the two frontier tracts. There is a small detachment at Silchar, which is the base for the Aijal battalion.

30. I think you yourself have not served, have you, as a member—a nominated member—of the legislative council ?—I was here for a week once.

31. But substantially you have not ?—No.

32. In some places (in Bihar and Orissa, for instance) the Inspector-General is a member of the council and takes a very active part ?—Yes. It is not so here.

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34. *The Chairman* : * * * We have had a good deal of material offered us, which we have studied with much concern, about the extent of corruption in the police service among the constables and lower grades of officer. In the light of your experience, what would you like to tell us about that ?—I think it would be fair to say that all ranks in the police are generally honest.

35. Really ?—I think that would be a very fair and just estimate of the force in this province. They are under very strict supervision, and the chances for dishonesty are very small, and I also say so because recently, during the time that I have been Inspector-General of Police, many of my officers have died, and in each case there has been absolutely nothing left for the widow except what was in his provident fund.

36. That is often a very good test, no doubt, to see whether or not a man who has been serving on a small salary, and who has no private means, is discovered to have amassed when his term comes to an end more money than it is likely he could honestly come by. You say that you do not think that anything of that sort could be suggested here ? —No.

* Vol. XIV.

37. That is very good. What do you say about the rank and file of the force ? You see, there are two aspects of it, and we are none of us sitting here as mere censors; we are only anxious to get a practical view. There is, first of all, in some parts of the world what almost amounts to a custom, under which payments are made, perhaps not to distort justice, but almost without being asked for, which none the less, I think, on a proper view should be regarded as a form of corruption. There is the other, and much more serious, aspect, where money is definitely paid, or even exacted, as the price for securing that a particular course is taken or is not taken. Is your view that that does not happen in the rank and file of the police here ?—I think the latter does not happen, and the former is very scarce, because there is no one to pay the police. Those customs which were in force when I first joined the force I think have more or less gone now.

38. You think you see, do you, in your thirty-four years, a real improvement ?—Oh, yes.

39. Have there been any cases—take the last ten years—in which it has been found necessary to dismiss people on the ground of malpractice of that sort ?—Yes. I have a small statement for the last five years.

40. Would you give it to me in a very summarised form ?—Of inspectors and sub-inspectors we have dismissed during the last five years eight officers. That is eight out of a total of 319.

41. *Sir Hari Singh Gour*: How many inspectors and how many sub-inspectors ?—I could not tell you.

42. *The Chairman*: The two together is eight ?—Yes, in five years.

43. The interesting, and I may say the important thing to my mind is, first of all, that Mr. Dundas has a clear view that corruption in this province does not go to the length that it has been suggested that it goes to in some other places, and secondly, he is satisfied that there is a real improvement in the course of his time here.—If you want to know about the men, I could also say that.

44. Yes, what about the men ?—The total of dismissals of assistant sub-inspectors, head constables and constables is 359 in eight years. That is for every form of malpractice, for flagrant indiscipline or corruption or suspected corruption.

45. *Colonel Lane-Fox*: Out of how many ?—Out of 3,941. That is in five years.

Sir Arthur Froom: You would have to multiply that 3,900 by 5.

The Chairman: I think so, having a standing force of something like 4,000 men all the time, spread over a period of five years.

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46. *The Chairman*: There is one other qualification which I would like to have noted. If I caught you aright, you were including in your total of 350 not only people who had been dismissed on the ground of suspicion of corruption, but people who had been dismissed on the ground, I think I heard you say, of insubordination ?—Indiscipline.

47. And does it also include inefficiency ?—It is very hard to dismiss for inefficiency.

48. Anyhow, that is the total of dismissals from all causes ?—Yes.

The Chairman: That is quite a different thing from total dismissals for corruption. There are a number of other things which are very proper to be raised, but I do not wish to spend all the time doing the talking myself. Lord Burnham, do you wish to ask any questions ?

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50. *Lord Burnham*: * * * Do you think the action and policy of the legislative council here has been helpful from the point of view of discipline and efficiency ?—I do not think it has been helpful.

51. It is stated by the member responsible that there is a great difficulty, for example, in the recruiting of the police. I have marked a passage here on page 257*: "The difficulty of obtaining recruits "indicates that service in the police is unpopular." Is that, in your opinion, because of the attitude of the legislative council ?—I think so; I think it might be said so.

52. Very serious charges have been brought, have they not, against the conduct of the police in certain cases ?—In the legislative council ?

53. Yes; I am talking about the legislative council ?—Yes.

54. Am I right in thinking that there was one in particular in which a wholesale rape of a village was alleged in the course of certain operations undertaken for searching for concealed arms, I think it was. Was there such a case ?—Yes, there was such a case in Sylhet.

55. On enquiry, that turned out to be absolutely false ?—Well, very, very exaggerated, and false.

Dr. Suhrawardy: What page is that, please ?

56. *Lord Burnham*: The allusion is on page 253*, paragraph 12. The details are contained in the appendix. That is in regard to the search for arms. Then do you think that the administration of the police force has been rendered more difficult by the interference of the legislative council ?—Yes.

57. Following on that, what would be your opinion, if you feel at liberty to give it, as to the transfer of Law and Order in this province to a responsible minister ? Do not give your opinion unless you wish.—How do you mean, responsible minister ?

58. I mean a minister responsible to the legislative council, instead of being in charge of a Member of the Executive.—I would not like the police to be so transferred.

59. Why ?—Because I think it would suffer in efficiency.

60. Would it make the discharge of your own duties more difficult ?—It would.

61. In what way ?—Because I would, in a way, be responsible to council, and also, I think, I would not have the same control over my subordinates.

62. Do you consider it would be hostile to the general interests of the people of this province ?—I have not regarded the position from that point of view.

63. I only want to put one or two questions in addition in regard to the possible separation of the backward tracts and of the hill country from the province. I understand—and I want to get it quite definitely from you—that so far as the administration of the police is concerned, you do not see that there would be any difficulty if the recommendations of Mr. Hutton, of which I presume you are aware, were carried out ?—I have not seen Mr. Hutton's recommendations.

64. *The Chairman*: I want to be clear myself. I understood you to tell me that you had not addressed your mind to that question at all ?—The separation——

65. The effect on the police of such a suggested separation of areas ?—Well, the police would be very little affected.

The Chairman: I am not complaining. I only want to know if I understood rightly.

66. *Lord Burnham*: Your general knowledge of affairs is such that I dare say you could give us an opinion as to whether, if anything of that sort were done, it would, in your opinion, be prejudicial to the administration of the police ?—It would not be prejudicial to the administration of the police.

67. *Mr. Hartshorn*: Could you give us the rates of pay of the rank and file of the police ?—Yes. Constables begin on Rs. 16 a month, and go to Rs 20 by increments after three, seven, ten and eighteen years.

68. They get an increase of Re. 1 a month after three, seven, ten and eighteen years ?—Yes.

69. Up to a maximum of Rs. 20 ?—Yes. Then the armed branch get a duty pay of Rs. 2 in addition,

* Vol. XIV.

and that same rate of increment. Head constables, the lowest grade gets Rs. 25. The head constables are graded ; they are the only rating that are graded ; they get Rs. 25, 30 and 35, in three grades. Assistant sub-inspectors get Rs. 25, 30, 35 and 40, in four grades. The rank above, sub-inspectors, begin on Rs. 80, and go to Rs. 130 by biennial increments of Rs. 5. Inspectors begin on Rs. 175, and go to Rs. 300. That is all the non-gazetted ranks.

70. Could you tell us the number of Europeans and Indians in each of these official positions ?—In none of the ranks that I have just mentioned are there any Europeans.

71. What about superintendents ?—Superintendents are quite different. I have not mentioned the superintendent ranks.

72. I know. Have you any Indians among the superintendents ?—Yes. In this cadre of superintendents of police, of whom there are 14 excluding myself (with me there are 15), there are three Indians, and among the assistant superintendents there are two Indians.

73. Two out of how many ?—Two out of thirteen.

74. *Major Attlee* : Would you say that the police force was generally unpopular ?—I think I would.

75. Is that due to the general tradition in this country that the official of the Central Government is apt to be exacting, rather than to any particular point of view of the force ?—I could not say that.

76. With regard to the attacks that Lord Burnham referred to, it is possible, I suppose, that those attacks might be more on the police as being a reserved subject than due to any deficiencies of the police force themselves. It might be more a parliamentary manœuvre ?—I could not say.

77. It is perhaps rather outside your province ?—I have not been here and listened to these attacks ; I could not say.

78. I should like to ask you with regard to the relationship of the hills and the plains. Do the hillmen show any tendency to raid the plains, as has occurred in the past in other countries ?—They have shown no such tendency lately, because we have plastered them with bayonets.

79. But supposing those bayonets were withdrawn, do you think that the hillman would tend to raid the plains ?—I am certain he would.

80. He used to, did he, before you came ?—Yes.

81. In the present position, what is the liaison between the two police forces—the Assam Rifles and the civil police—in cases involving hillmen and plainsmen ?—In the hill districts where there are the Assam Rifles, like the Lushai hills with headquarters at Aijal and the Naga hills with headquarters at Kohima, the civil police are negligible ; the civil police are there simply to look after the foreigners in the local bazaar. They have no jurisdiction outside their immediate headquarters without the sanction of the deputy commissioner or the superintendent, as the case may be. Those civil police, *qua* civil police, are negligible in the administration of the civil police as a whole.

82. But take a case on the borderline of the hill tracts and the valleys ; if someone comes down from the hills and commits a crime in the plains, who follows him up ? Do the plainsmen follow him into the hills, or do they hand over their fox, so to speak, to the Assam Rifles ?—In those cases we generally complain to the political officer, the deputy commissioner or the superintendent, as the case may be, and their administration is so good that the man has no chance of escape ; he is caught at once.

83. The point I was making was this. In the event of the separation of these hill districts from the province and their being put under a separate form of government, there would not be any difficulty in interworking between the two police forces ?—The police force over there does not look after the sort of hillman who would raid into the plains. That would be done by the deputy commissioner through his Assam Rifles.

84. You would not have any difficulty there ?—No, none at all.

85. *Colonel Lane-Fox* : There is a statement in this book about the difficulty found in recruiting for the Assam Rifles of recent years. That is a real difficulty, is not it ?—It is a difficulty. It is difficult to get good material for the pay we offer.

86. Do you think the difficulty would be largely got over if the pay were increased ?—I think the difficulty would be largely overcome if the pay were increased and if we were allowed to recruit, as we did before, at Darjeeling and Gorakhpur. We do not want the latter now, because that is reserved exclusively for regiments, but we would like to recruit at Darjeeling again. It is one of the conditions under which we got the subsidy of Rs. 16,00,000 for the Assam Rifles that we should not recruit at Darjeeling at all, that we should not recruit in Bhutan except with the concurrence of the Government of India, and that we should confine our recruiting within the boundaries of the province.

87. What you want is to have that restriction removed ?—We want to have that restriction removed, and I believe the matter is now before Government. I reported it to Government. I am not sure, but I think Government has gone up to the Government of India about it.

88. Is that a matter which the Government of India would decide ?—Yes, because that was one of the conditions under which they gave us that subsidy of Rs. 16,00,000.

89. It would not have to go before the legislative council here ?—No.

90. A very large number of things which require doing is mentioned here, things which require doing at once. They include the re-opening of the constables' training school, an increase in the ordinary reserve, the opening of new police stations in mining areas, an increase in the detective staff, the strengthening of the town police and the reconstruction of many buildings. Why is it all these things seem to have accumulated ? Is it because they have been neglected in the past, has there been any difficulty in getting them through the council, or what is the reason ?—If we might take them one by one perhaps I might explain better. We had a police training school which was abolished because of the need for economy in 1922–23, and in any case a good deal more money would have had to be spent on it to make it properly efficient. We have no constables' training school now for that reason. We are going to have one again ; the estimates and projects are now before Government.

91. To save time, perhaps I might put it in this way : it is purely an accidental development, and not due to any particular reason, that these things have been allowed to accumulate ?—I think you might say the general explanation would be the need for economy that really existed a few years ago.

92. *The Chairman* : It is not very economical in the long run not to train your police ?—No. That has been realised, and we are pushing ahead with our training school. Our sub-inspectors are trained under Bengal : we pay Bengal for it.

93. *Lord Strathcona* : There is one statement in the book (page 256, head of paragraph 13*) which I should like to read to you. It says : " The police force is at " present below the margin of safety and considerably " below the numbers required for real efficiency in " dealing with any outbreak of crime." Do you agree with that statement ?—I think I do agree with it. I did not know it was made, but I do agree with it.

94. Do you put it down to economy, or the difficulty of getting recruits, or both ?—I think it is due to both. There has been this need for economy in the past, and we cannot do everything all of a sudden ; and since we began to economise we have had a very big influx of population from Bengal settling in our districts, which has created the need for extra police.

95. I should like to read to you another passage from the same paragraph, " Many years must pass " before any Indian elected to the legislative council

* Vol. XIV.

" will risk the unpopularity of defending those who " are paid to defend him." I should like to ask you whether you have found, in such opportunities as you have had of private conversation with responsible people in this province, whether members of the council or outside it, any tendency on their part to recognise the fact (which we regard as an essential duty of citizenship in our own country) that the citizen must be prepared to pay for, to support, and if necessary to defend, the police who are the guardians of law and order and public and private property ? Is there any tendency to recognise that fact ?—I do not think there is.

96. You have already told Major Attlee the police are not very popular. You do not see any sign of responsible people in this province recognising the fact that citizens must pay for and in times of stress defend their own police ?—To be absolutely frank, I do not think I have ever spoken to anyone about that. Not being in the council, I do not get opportunities of speaking about it.

97. That is why I said outside the council as well as within it. You probably meet responsible people outside ?—I can judge only from general appearances and from our daily work. I do not think we do get all the help we would get, say, in Great Britain from responsible people.

98. *Lt.-Col. Smiles*: You have seen the five questions put up by our Committee ?—Yes.

99. The first one is: do you consider the constables of the police force in Assam are properly paid in comparison with other provinces ?—I do not consider they are properly paid in comparison, say, with Bengal, in view of the recent rise of pay in Bengal.

100. Is the poor pay they are getting seriously affecting their efficiency and their honesty ?—I have already spoken about honesty. In that question there is an implication of dishonesty.

101. Very well, we will cut out the honesty and say would you get more efficient men if you gave better pay. I will put the question in that way ?—I am sure you would.

102. The third question is :' have you put this matter up to Government, asking for an increase of pay ?—Yes, the matter is before Government, but I have not had any orders on it yet.

103. *The Chairman*: I am thinking of the implications of that last question and answer. Mr. Dundas is not a member of the council, but the matter is a matter of public knowledge. Do you think the attitude of the council is such that they would be willing to vote an increase of pay ? I am asking for information ?—My own impression is that I do not think the council would be willing to vote an increase of pay.

104. I see, for instance, from page 248* of this book that a series of reductions were moved, one a motion for the refusal of the provision for an increase in the pay of constables, which was defeated only by the official vote ?—That is true. That was in 1921 or 1922, I think.

105. Yes, in 1921 ?—That was the reason.

The Chairman: I am sure the Provincial Committee will not mind my making the observation, but the question they have prepared, saying, " Have you put " this matter up to Government, asking for an in- " crease of pay ? " is a question which can be supplemented, especially by the members of the Provincial Committee, since they are themselves members of the legislative council here, and the legislative council here has in the end to decide whether there is to be more pay for the police, unless the Governor uses his exceptional powers of certification.

Lt.-Col. Smiles: The only comment I have to make is that in the legislative council if we do not hear from the Inspector-General of Police that the constables are dissatisfied we can hardly intervene in a reserved subject.

106. *The Chairman*: Let me put a question which *may help everybody, which is all I want to do.* Mr. Dundas, if the legislative council here were prepared to pass the allocation and face the burden of an increased money vote for an increase in the pay of the police, from your knowledge of the matter do you think the Government of Assam would resist it ?—I do not think they would.

The Chairman: That is the other half of it, you see.

Sir Hari Singh Gour: That is indicated in the supplementary memorandum.

The Chairman: I think so. I am sorry to interrupt, but you will agree we must get both sides of it.

107. *Lt.-Col. Smiles*: I should like to put a question on this implication on our provincial legislative council, which a lot of us here resent. (To the Witness): Do not you consider a considerable number of moderate members of this Assam council would be prepared to support an increase in the pay of the police force, if it was properly put before them by the Government ?—I certainly think there are several members in the local legislative council who would be prepared to support an increase of pay for the police.

The Chairman: That is very good; between us, we have obtained a useful series of admissions. I see that in their supplementary note the Government say " At present the Government propose to introduce " the Bengal scale of pay for the armed branch only, " and defer consideration of the scale to be adopted " for the unarmed branch until a committee has been " appointed and advised on the possibility of securing " a better class of recruit for the service." I gather the view of the Provincial Committee is that the Government will not meet with difficulties in the provincial committee when they put that forward.

Lt.-Col. Smiles: I do not say that: I say from a certain party.

Rai Bahadur Sadananda Dowerah: If one section is excluded, the section which is always opposed to Government, I have not the least doubt they will get this from the legislative council. That is the position.

The Chairman: Good.

108. *Lt.-Col. Smiles*: Question 4: could you give a brief résumé of what suggestions you have to offer for the improvement of the police force in Assam ?—It all boils down to more pay, to begin with. Then I think we should really get the assistance of the leading men in the province to get us as good material as they can for the force. There should be some propaganda.

109. Just one question on this. By " leading men " do you mean officials or non-officials ?—Non-officials. Without their help I do not think we shall be able to do very much more than we are doing now. We are doing our best with the force we have, the force that comes to us, and the officers who apply for appointment. The people who apply for work we make into as good constables or officers as we can. If you want anything better, then we want the assistance of the leading people in the province.

110. You suggest, then, that the leading non-officials in the province are not supporting you at the present moment ?—I do not think as a whole that they are.

111. But it boils down to a question of money ?—It boils down to a question of money, because with the attraction of money you will get a better class of men, to begin with.

Lt.-Col. Smiles: I have put those questions on behalf of the Committee. Since the Conference has been sitting, I have never put a question on my own behalf, but I should like to ask for a little indulgence now.

The Chairman: It is not a question of indulgence; we shall be glad if you will do so.

112. Lt.-Col. Smiles: I want to make it clear these questions are not sanctioned by my colleagues, and they may or may not agree with them. Mr. Dundas, in your experience is the police force less or more unpopular to-day than it was when you joined the service, or, say, over a period of twenty to thirty years ?—I think it is less popular.

* Vol. XIV.

113. Would you put that down to the attitude of the native press and what has gone on in this legislative council ?—Yes, I think I should put it down to both.

114. This question has been touched on, but I should like to put it in a different way. If the police were made a transferred subject, do you consider the police officers would find it more difficult to carry out their duties efficiently ?—I do.

115. More especially your Indian police officers, or your European and Indian equally ?—I do not think there would be any difference. As a matter of fact, just recently I received a memorandum from the Indian officers. I must explain that in the police we are allowed Associations for the different ranks. One Association, calling itself the Assam Police Association and consisting of the ranks of inspector, sub-inspector and assistant sub-inspector, sent up a memorandum too late to be submitted to this Commission, and in the course of that they said they must remain a reserved subject. They did not give very many arguments in support, but that was what they said.

116. *The Chairman* : May I interrupt ? You speak of a memorandum they sent up too late to be submitted to the Commission. Why was that ? I do not follow ?—I got it only about a fortnight ago, and I sent it up to Government. Whether it has been submitted to the Commission, I cannot say.

117. We might make enquiries about it. It was intended to be submitted to the Commission ?—I think so.

118. That was the object of it ?—Yes.

119. We certainly should not wish to exclude such a document. We have had many memoranda sent to us almost the day before hearing someone ?—In this memorandum they set themselves a questionnaire, putting imaginary questions and giving the answers to them.

120. Do you know at all how it came into existence, how the questionnaire was drawn up ?—No, I do not know at all.

121. As far as you are concerned, it was entirely their own doing ?—Yes. It was received by me and sent on at once to Government.*

The Chairman : We will make an enquiry about it.

122. *Lt.-Col. Smiles* : I am going now to suggest to you that it is more a question of environment with your Indian officers than of character and efficiency. What I am going to suggest is that if your Indian officers were doing their duties in the dock areas of Liverpool, or the East End of London, or again even in the Solomon Islands, or some place where they were entirely remote from their own relations, friends, and the native press, they could be absolutely depended upon to do their duty efficiently. It is because they are in their own province, or in India, and subjected to these continual attacks from the native press and from the Indians in the legislative councils that their efficiency is seriously impaired ?—Naturally, if there were some sympathy with their work their efficiency would be greater ; they would work better.

123. You state that there is an almost complete lack of sympathy ?—I would say that, generally speaking, there is a lack of sympathy. There are individuals, of course, who do sympathise, and who have helped.

124. I take it that the European police officer has an advantage over the Indian as he is so far away from his own home and his relations that he has no axe to grind ?—The European officer certainly has that advantage.

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133. I am going to another subject now. You have a good long experience of tea garden labour, and matters on tea gardens ?—Well, I have been alongside tea gardens for a good many years, yes.

134. You know that during the non-co-operation days of 1920 and 1921 we had serious riots on the tea gardens ?—I remember that that was the case.

135. Now, with a population as we have on these tea gardens, composed principally of aborigines, in the case of riots are not prompt measures essentially necessary ?—Yes.

136. I suppose you agree with me that prompt action may save, in the case of tea garden labour, hundreds or even thousands of lives later on ?—Yes, I do agree with you.

137. If the police was a transferred subject under a minister, and an Indian officer was in charge, do you think he would be as likely to act as promptly as if the subject was reserved under the Governor ?—It is difficult to answer that, you know, because there are so many " ifs " in that.

138. Do you consider that you would get prompt action in the case of a riot if the subject was reserved or the subject was transferred ?—Well, that again, I should say, would be very difficult to answer. It depends entirely on the person and the state of the council at that moment. They might be quite a good, comfortable council. You never know.

139. *Lord Burnham* : But you have already said in your opinion the control of the police ought not to be a transferred subject, in answer to me ?—Yes, I think it should not be a transferred subject.

140. *Lt.-Col. Smiles* : You stated that as far as you knew it would be the personal equation of the officer, and what sort of a council there was, in the supposititious case of a riot ?—Yes. It is an entirely supposititious case.

141. Do you think you would attract as good a class of officer to the police force, including European and Indian, if the subject was transferred, as if it was reserved ?—Well, judging by what that memorandum says, you would not attract as good a class of Indian officer, and judging from what I have heard from my own officers, British officers, you certainly would not attract British officers.

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146. *Rai Bahadur Sadananda Dowerah* : Do you think that the recruitment to the posts of sub-inspectors and inspectors has been quite satisfactory of late ?—Well, inspectors are not recruited ; they are selected from among sub-inspectors. I think that has been satisfactory—well, I have to say so, because I do the selection ; but as for the recruitment of sub-inspectors, I do not think we are getting the best.

147. If you increase the pay only by a few rupees, and give them the same status which is given to the officers of the recruited service, do not you think you will get a very good type of men ?—I cannot say.

148. And if that is proposed, do you think the non-Swarajist members in the Assam legislative council would in any case object to that ? Do you think they would object to increase the pay of the investigating officers so as to get a much better type of men than you get now ?—I do not know what they would do.

149. *Maulvi Keramat Ali* : Here is a remark made by the local government on page 257* : " Throughout " the province the discipline of the subordinate " ranks of the police is not all that could be " desired." Do you agree with that or not ?—I cannot criticise anything that government has said in that respect.

150. *The Chairman* : I think we must read the whole sentence, to save time ; Maulvi Sahib did not read it all, quite. The whole sentence is this : " In the absence of provision for effective training " or of a response by a better class to the call for " recruitment, there is reason to apprehend that " throughout the province the discipline of the " subordinate ranks of the police is not all that " could be desired."—I think that is a just estimate.

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* *See* Q. 236 below.

* Vol. XIV.

152. *Maulvi Keramat Ali*: You say the Indian members of the police also say it should not be made a reserved subject?—They say it *should* be a reserved subject.

153. Is not it the general belief of the public that the police officer here thinks himself the master of the public rather than the servant of the public? —We educate the police to be the servants of the public. What the general public think about it I do not know.

154. Is not it for this reason that an Indian police official does not like the idea of this subject being transferred, because he thinks if it is he will become the servant of the public?—I really cannot say.

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161. Could you tell us how many prosecutions have taken place against police officers in the last five years?—The number of cases brought against police officers in the last five years is 363; found false, 151; convicted, 43.

162. *Mr. Hartshorn*: What were the others?

The Chairman: Not proved, I suppose, or something of that sort.

The Witness: I presume the others were acquitted.

163. *The Chairman*: It may be you are drawing a distinction between cases where the judge said he was satisfied the charge was false and cases where he decided the charge was not proved.

The Witness: 151 were definitely found false.

164. *Maulvi Munawwar Ali*: I hope you will frankly admit it is very difficult to procure evidence against the police, even when the cases are true?—I would not say so. There is hostility against the police, and if they could possibly prove a case against the police they would do so. I do not agree with what you say about that; I think they have every opportunity of getting evidence to prove anything that is true against the police.

165. *Maulvi Munawwar Ali*: Could you tell us if you are aware of police terrorisms during the past five years?—I am not aware of any; none has been brought to my notice. I cannot think of any such cases brought to my notice during the past five years.

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167. May I ask you a question about the village chaukidari system?—Yes.

168. Do you think the village chaukidari system is an efficient one in Assam?—You mean in the three districts in which it is in use?

169. Yes?—I think it is efficient; it is a help to the police.

170. Are you aware of a resolution adopted almost unanimously by the non-official members of this council complaining against the efficiency of this system and asking for its improvement?—I do not remember that.

171. I can tell you there has been one?—Yes.

172. Do you think the Sylhet people, and especially the Muslims, would form a very good regiment for the army?—I am not qualified to judge. They have not shown any signs of wishing to enlist so far.

173. Are you aware of the great services they rendered during the war as seamen and labourers? —I am not aware of the extent of it, no.

174. I can tell you they rendered very good services, and the Viceroy (Lord Chelmsford, as far as I remember) said they would make very good sailors and soldiers?—I am not aware of that.

175. *Rai Bahadur Amarnath Ray*: Is not it only natural that the legislative council should be a little hostile in respect of departments in which they have no hand in shaping the policy?—I think it is unnatural they should. Why should they be hostile without reason?

176. You stated the recruitment of the police force might be improved if the leading non-officials co-operated?—I think so.

177. It is generally believed the police are inefficient in the detection of ordinary crimes because the people do not co-operate to the extent desired. Often they cannot detect crimes because they cannot get people to depose to what happened?—I think the present record of detection and conviction is very good, and it would be still better if the ordinary public assisted more.

178. But do you think people will be willing to co-operate unless you allow them to share in shaping the policy of the department by transferring it?—I should say so. I think the ordinary villager does not bother his head about matters like that, and they are the people who co-operate with us in preventing crime, or should co-operate with us in preventing or detecting crime.

179. The last question I put to you is this. From the very violent language indulged in by a section of the legislative council, do not you think that if they were put in charge of the police department they would go in for dragooning the people to a greater extent than is being done even at present?—I am unable to judge; I could not say.

180. *Sir Arthur Froom*: In reply to a question by Lord Burnham you said that the pay of a constable started at Rs. 15 a month?—Rs. 16.

181. Rs. 16, and it increased to Rs. 20?—Yes, by increments of one rupee after three, seven, ten and eighteen years' service.

182. And so if he has been in the service for eighteen years he hopes to obtain the salary of Rs. 20 a month?—Yes.

183. Are there any emoluments attaching to his employment? Does he get free food?—No free food. He gets free clothing and free housing.

184. He has to pay for food, and support a wife and family, possibly?—Usually.

185. Starting with the basic pay of Rs. 16, could you tell the Conference how long that has been in existence?—The basic pay of Rs. 16 a month has been in existence since the last rise referred to in the Government memorandum there; I think in either 1921 or 1922.

186. Do you remember what it was before that? —I do not remember, because I was a Political Officer.

187. Could you give us any idea of what pay the constable started at twenty years ago?—Yes, I could tell you that: seven rupees.

188. So it has been doubled in that twenty years? —Yes.

189. And from your experience of expenses in Assam, do you think this starting pay of Rs. 16, taking eighteen years to rise to Rs. 20, is adequate? I do not know whether it is or not; I have never lived in Assam.—I do not think it is adequate. Thinking it inadequate, I have already referred the matter to the Government.

190. Can you understand why Government do not propose to take any immediate action to better it? —Government propose to take immediate action——

191. They do not propose to take immediate action to better it. They propose to adopt an immediate improvement for the armed branch, but not for the unarmed branch?—I am unable to say.

192. According to this supplementary pamphlet that I have here, they say on page 571* that they "propose to introduce the Bengal scale of pay for "the armed branch only and to defer consideration "of the scale to be adopted for the unarmed branch, "until a committee has been appointed and advised "on the possibility"—well, until the committee has been appointed. . . .

The Chairman: I think you ought just to finish the sentence: ". . . advised on the possibility of "securing a better class of recruit."

193. *Sir Arthur Froom*: Yes. That does not suggest that they are going to get an increase of pay at all?—I cannot say why any differentiation has been made. My report, which was sent to

* Vol. XIV.

Government, did not contain any proposals for differentiation.

194. Would you suggest to this Conference that the constable is a happy and contented man with his pay ?—I would not suggest that, no.

195. Is there a general feeling of discontent ?—Certainly, and that has been aggravated by the fact that Bengal has been given this rise of pay, and we have not had it.

196. I will put it to you that if your force, the rank and file, are discontented, it might account for a good deal of the unpopularity of the force. I will put it in another way. If a man goes about his work in a happy and contented manner, he is unlikely to come up against the people to the same degree as if he does his work in a disgruntled manner. Is not that so ?—Certainly.

197. Do not you think that perhaps one of the methods of decreasing the popularity of the force would be to pay the men better ?—Certainly.

198. *Sir Hari Singh Gour*: You have said that you would not like the transfer of Law and Order, or Police, to a popular minister. For how long has the police been in charge of an Executive Councillor here ?—For four years.

199. Ever since the Reforms ?—Yes.

200. And the Member in charge has been invariably an Indian Member ?—Yes.

201. In spite of the fact that Police is a reserved department and in charge of an Indian Member, it has been subjected to constant attacks by the local legislature ?—Yes.

202. Consequently, so far as the transfer is concerned, it will not make it any worse; it might be better ?—It is quite possible. I cannot foresee that.

203. And you, as the responsible head of the police force, do not wish to fight shy of public criticism ? You do not think that your department is above public criticism ? As a public department, you do not place yourself on an exalted pedestal of being free from public criticism ?—No.

204. You welcome public criticism ?—I do not think anyone welcomes criticism !

205. But whether you welcome it or not, you have got to realise the fact that all public departments must be thrown open to public criticism. It may be that it has a chastening effect upon you, or upon the department concerned ?

Sir Arthur Froom: There is fair and unfair criticism.

The Witness: I do not know about a chastening effect, but I quite realise that we are open to public criticism.

Dr. Suhrawardy: It is sometimes demoralising criticism.

206. *Sir Hari Singh Gour*: Now as regards the refusal of supplies, is it not a fact that on several occasions the real reason in the background, so far as your small province is concerned, has been financial stringency; that is to say, you could not carry out your full programme on account of financial stringency ?—I would not say so, because Government would not have put up the grant if they were not convinced that they could finance it.

207. Would you kindly give me a concrete example of a scheme put up and refused, and the specific grounds upon which it was refused, just to exemplify your general distrust of the legislature ?—I cannot remember anything specially just now, but it is all down, I understand, in the memorandum.*

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209. So far as the European and Indian officers of your department are concerned, is it not the fact that it is really more fear of the future, which you dread, and which we all dread, that something might happen that might impair the efficiency of the police, rather than a deduction from any proved facts which you can state to the Conference ?—I should say it is a deduction from the behaviour of the council on these different occasions.

210. That is to say that the council did not do what you would like the council to do ?—What it was essential the council ought to have done.

211. From your standpoint ?—Yes.

212. And it is not necessarily the right standpoint ?—No.

213. The other standpoint is the people's standpoint. Now as regards the pay of your police force, is the cost of living in Assam as in Bengal, or lower than in Bengal ?—I should say the cost of living in Assam would be higher than in Bengal. The places are further from the centres of distribution.

214. In your opinion, of course, the pay of the police constable here should be certainly on a higher scale than the pay of a police constable in Bengal if you wish to give him a fair living wage ?—It was on a higher scale before that last increase in pay. There was a difference of a rupee, and there still is a difference in Assam itself, a difference of a rupee in pay in one district. The lowest pay begins at Rs. 17 instead of Rs. 16.

215. Can you tell me if there have been any resignations by police constables on the ground of low pay ?—I cannot remember any.

216. Consequently, so far as the pay is concerned, that has not been the impelling cause of any resignations on the part of the police constable ?—I do not think it has.

217. It has been said in this book, * * * at page 248*, paragraph 8: "During the period of "the Reforms the civil police have been subjected "to much criticism and proposals for additional "expenditure have usually been regarded with "suspicion although the actual reductions of grants "have been few." I leave out the other passages. One member is here quoted: "In the debate one "member made the following remarks"—I will leave out the other remarks; this is what I wish to draw your attention to. Speaking of the policemen, the member said: "They are more for per-"quisites—I beg to be excused for using the word—"than for their pay. A police constable is more "dreaded by the people of the villages than the "district magistrate himself."—I think that is an exaggeration.

218. But does it voice, though in an exaggerated form, a popular feeling ?—I do not think it does. I have not had that experience.

219. Are you prepared to say, therefore, that there are no perquisites to which this honourable member refers, which add to the constable's emoluments ?—I would say that there are no perquisites. I cannot think of any perquisites.

220. I should say a perquisite of this kind. He goes from village to village, and the villagers give him food and fuel, and things like that.—Well, I do not think there is any police force in India where, when they go out on an investigation, they do not accept hospitality.

221. They do ?—They always accept hospitality; in fact, it is impossible for them—they have no transport—to take their cooking pots and their bedding and the rest out, or tents.

Sir Hari Singh Gour: I should say that is one of the kindly rules of hospitality. Anybody who goes to a village must be fed.

The Chairman: It is rather like voters coming from a distance to the polling booths, I understand.

Sir Hari Singh Gour: That is so.

Sir Arthur Froom: That is not peculiar to India.

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222. *Sir Hari Singh Gour*: The point I am really making is this, that these peripatetic police go about from village to village, and without demanding any undue perquisites, their emoluments naturally are relieved to the extent that they get food and fuel

* Vol. XIV

in these villages which they visit?—If I might, I would take exception to "peripatetic police," because as a matter of fact the police do not go out into the villages except on a command certificate, which means on some duty.

223. There are constables and others who go to the villages?—They are on duty. They cannot leave the police station without a command certificate.

224. We will put it in that way—that whenever a policeman goes out to the villages in pursuance of his duty, it is a fact that he gets food free from the villagers in consequence of the natural hospitality to which all strangers are invited. That also adds to his emoluments and relieves the burden from which he would otherwise suffer on account of his low salary?—Certainly.

225. Now I have one question to ask you about the chaukidars. In the different parts of India that we have visited the village watchman or the chaukidar gets free land; that is to say, a small portion of land in the village is given to him free of revenue, *muafi* land it is called?—Yes, for cultivation.

226. It has been said that that, of course, enables him to cultivate his land and remain in the village and perform his duties. Have you got a system like that here?—No; they are paid here.

227. And one of the constant complaints against chaukidari system is this chaukidari cess; the villagers have to pay a certain amount of money?—Yes, there is the person called the collecting *panch*, who takes the cess from each villager.

228. Now, is there any difficulty in commuting their emoluments from cash to land by giving them *muafi* land, as is done in other parts of India?—I could not say. I could not answer that. I really do not know.

229. Has your department explored the possibility of doing so?—No, it has not.

230. But that has been a great complaint in your province? Judging from the report made here, at pages 259 and 260*, it seems that the general complaint is that the villagers have got to pay certain cash under the Chaukidari Act as the emoluments of the chaukidar, and it is said here, at any rate, it is difficult to devise a more satisfactory system which is within the limits of practical politics. Well, what occurs to me is that the substitute for that is the granting of *muafi* land in these villages?—Quite possibly. I have not explored that subject at all.

Sir Hari Singh Gour: I simply mention it because it is said here that it is difficult to devise a more satisfactory system, not that any other system has been considered and found impracticable. That is all, thank you.

231. *Dr. Suhrawardy*: Is it a fact that not very long ago the zamindars of Goalpara petitioned the Government asking for the posting of European superintendents of police?—That fact is not known to me. There is a European superintendent of police there now; I can say that; but whether they petitioned Government or not, that fact is not known to me.

232. Is it not a fact that before the posting of the European superintendent of police to Goalpara there was a Hindu superintendent of police there a few months before that?—Yes, Rai Bahadur Annanda Chandra Agarwalla.

233. Apart from the instance to which I have referred, have there been any petitions in the past asking for European officers in preference to Indian officers?—I am not aware of any.

234. How do you recruit your rank and file here? Do you have to go outside your province, or do you recruit them locally?—Mostly locally. Constables—a few outside the province, but every other rank locally. That is above constables. Sub-inspectors are all local; in fact, we do not even go to Bengal. A man must be a domiciled native of Assam to be recruited as a sub-inspector and from sub-inspectors the inspectors are selected.

235. In reply to a question put by Sir Arthur Froom you said that the constables get free clothing. What do you mean by free clothing?—Free uniform.

236. *The Chairman*: Might I just ask you this. You spoke earlier in the day of the memorandum* which you said had been sent to you, and which you had sent on to the Government. There, I understand, the Assam Police Association set forth their views?—Yes; it is the Association of the inspectors, sub-inspectors, and assistant sub-inspectors.

237. That is what I wanted to be clear about. Those are the three ranks which associate. I have asked to see the document. I agree it is not quite in the form of a memorandum, but at the same time I think it is desirable that the more important answers to these questions you spoke of should be known to the Conference. I do not say that they are all quite consistent with one another, but still, it is a representative body, and as this was their view on these important matters I thought we had better hear it, especially as I do not think that for the moment I have got quite the correct impression of what the document is. If I may have the leave of the Conference, I am sure they will trust me to do it quite impartially, I will summarise the matters which seem important. The first question which they considered was the question whether there should be responsible government for India, which, of course, is the whole constitutional issue. I do not suppose that one would be able to attach very great value to the views of this Association on that, but there is a part of the answer which is important. They say that they think if there was full responsible government it would remove the stigma of unpopularity of the Indian police, which is primarily due to the fact that the public considers the police to be the tool in the hands of the governing officials, to be used against the popular interest. I think it is only fair to some of you gentlemen that that should be read. Then they are asked a further question on the subject, about the possibility of provincial autonomy, and they say provincial autonomy should be given, but the Association is of opinion that some safeguards against mistakes likely to be committed by the Indian politicians due to a want of practical experience should be provided for the present. Then they put to themselves this question: If full autonomy—that means provincial autonomy—be not granted, whether the department of Law and Order should be a reserved or a transferred subject. I think that was the point you made?—Yes.

238. Now, the actual answer is this: "There is "a diversity of opinion in the matter, but the "Association with a majority is of opinion that it "should be a transferred subject for the better "administration of justice, and because the police "and the judiciary are likely to improve under "popular control." I think as the matter was referred to, that should be read.—I understood them to say it should be a reserved subject.

239. You would be the first to agree that, having been referred to, it should be mentioned expressly?—Yes.

240. Then there is a question as to whether the judiciary and the executive should be separated, and the answer is: "Here also some divergency of opinion "exists. Some would not favour the separation, "as the police administration is likely to be affected "thereby. But the Association with a majority is "in favour of separation, as the judiciary free from "the executive control will not only improve in "administering justice, but the police will also have "to improve themselves, having had to work with an "independent judiciary; and when it is so, the fear "of the police administration being affected will "cease to exist." Then they are asked this question, again, on the assumption that there is no full provincial autonomy: "Whether the police should be a "wholly reserved or a wholly transferred subject?" —and their answer is a curious one: "It should

* Vol. XIV.

* *See* Q. 116 above.

" be wholly reserved under an Indian Member of " the Executive Council; or it should be wholly " transferred under minister "—there is no doubt, Mr. Dundas, that that is where you got the opinion ?—That is so.

241. That is not very consistent—" with the " Inspector-General of Police to run the internal " administration of the department. The odium of " unpopularity will vanish under the popular control. " It would be better if the Inspector-General of Police " be a member of the Indian Civil Service." Then they ask themselves : " Whether it should be partly " reserved or partly transferred ? " I am not quite sure what was meant ; but, at any rate, their answer is : " It should never be. It will be disastrous for " the subordinate police. The sins of others will " visit on them. If the police be retained a reserved " subject the expenditure of the subordinate police " should be transferred from the voted to the non- " voted bit, because the popular control will always " be against all increased expenditure for their im- " provement." Then there is a question about communal tension. I do not know whether the Conference would like to hear their view. I regard it as of only secondary importance.

Sir Hari Singh Gour : I do not think so.

242. *The Chairman* : I think we might pass from that. Then in the same way I think they are entitled to have this question read : " Are the Indian " officers fit to run districts ? " The answer is : " They are quite fit. But as the officers recruited " in a province—specially in a small province like " Assam—are likely to have friends and relations in " the different districts which may stand in the way " of their efficient administration, the Association is " of opinion that the members of the Indian Police " should ordinarily be posted to a province other " than the province of their birth."

Sir Hari Singh Gour : That is a very important suggestion.

243. *The Chairman* : That is a very striking one. The next question is : " If Indianisation of the " Department is necessary ? " The answer is : " It " is quite natural that the children of the soil should " be given preference in recruiting for the Imperial " Service, when there is no dearth of qualified candi- " dates in the country. It is also necessary for the " better administration of the department as the " Indian can freely mix with the people and so " easily acquire local knowledge as well as all informa- " tion about crime and criminals. The British " element should also be retained because a contact " with it will improve the capability of the Indian " officers specially in drill and discipline." I pass over two other questions of a rather technical character, where I do not think the answers are material, and I will read this one : " Is there corruption in the " force ? " The answer to that question is : " It " cannot be conscientiously denied that there is " corruption in the force. It exists more or less in " its different ranks as in almost all departments of " the public service. But it is prominently remarked " in the police because actions are generally taken " against the offenders of the departments which " attract public notice, whereas the delinquents in " the other departments passed unnoticed with im- " munity. To do away with the evil the pay and " status of the officers and the men should be " improved and men of better education and morality " should be recruited inasmuch as their present pay " is quite incommensurate with the rise in prices of " the necessaries of life." I think I have summarised quite impartially what they say, and I think you gentlemen will agree it is right that the document should be read.

244. *Sir Hari Singh Gour* : I should like to ask one question on that. (To the Witness) : What is your view as regards the suggestion made that in order to improve the efficiency of the police the policeman should serve in a province other than the province of his birth ? In other words, what do you think of the suggestion that every police officer in Assam must be a non-Assamese ?—Are you referring to the Imperial police ? This memorandum refers only to the Imperial police.

245. What is your view about that ? We will confine ourselves to superintendents only, since that is what the memorandum does ?—The superintendents are recruited from assistant superintendents, and the assistant superintendents are recruited by competition. I can give you my personal view. My personal view is that this competition between provinces is wrong, and that we should get the best that India has to give.

246. Would you have it inter-provincial ?—I would have it all through India, and not divided up into provincial compartments as it is now.

247. In other words, you suggest it should be in the nature of an All-India service ?—Yes, and my personal view is that an officer born in Assam, a native of Assam, should not serve in Assam, nor should he serve in a neighbouring province, which is rather like Assam, namely, Bengal. He should be sent somewhere distant from his own home, just as we Europeans come from elsewhere.

248. You support that view, then ?—Absolutely.

249. *The Chairman* : We are very much obliged to you for the help which you have been to the Commission. Mr. Dundas, by putting your views so frankly before us. There is one figure I should be glad if you would supply to us by means of a document. I should be glad if you would have the figures scheduled to show, over a reasonable series of years, the extent of the true cases of crime. You might get one of your staff to prepare that and send it to us. What we should like to know is over the last five years, say, how many cases of true cognisable crime there have been, and I would be glad to know how that breaks up under a certain number of heads, such as murder and riot, and so on. That would give us a picture of the state of the province.

Sir Hari Singh Gour : *Would you like also the percentage of convictions in these cases ?*

The Chairman : If it is convenient.

The Witness : I shall be pleased to do that.* It is all in our administration report.

Colonel G. HUTCHESON, M.B., I.M.S., Inspector-General of Civil Hospitals and Prisons.

(*Sir John Simon vacated the Chair, which was taken by Lord Burnham.*)

250. *The Chairman* (*Lord Burnham*) : Colonel Hutcheson, you are Inspector-General of Civil Hospitals and Prisons, are not you ?—Yes.

251. Most of your service has been in the United Provinces, I think ?—About twenty-five years.

252. As Inspector-General of Prisons ?—No, as a civil surgeon.

253. You officiated at one time as Inspector-General of Prisons ?—For three months in 1918. I also officiated as Inspector-General of Civil Hospitals in 1925 for about three months.

254. You were then appointed Inspector-General of Civil Hospitals and Prisons in this province, were not you ?—Yes.

255. You have held that appointment for about two years ?—Yes.

256. I think the Conference knows that the information with regard to hospitals is contained in the big memorandum† at page 310 *et seq*. Have you seen this memorandum of the Assam Government ?—No, I have not.

257. May I read, then, for your information part

* *Vide* Appendix, p. 342. † Vol. XIV.

of the first paragraph on page 310 *: " Since 1891 " the policy has been to hand over medical relief " to the local boards. At the present time local " boards control all the hospitals and dispensaries " in all the plains districts except in the towns of " Dibrugarh and Sylhet.† Generally it may be said " that the hospitals in the province of Assam com- " pare unfavourably with those in other major " provinces." Will you give us your opinion on that statement ?—The hospitals and jails compare very unfavourably with those in the United Provinces, where I have had all my experience. The two outstanding defects which I noticed when I first came here were (1) there were no separate female hospitals or Dufferin hospitals in the province, whereas in the United Provinces there were about fifty-five institutions of that nature. In Assam we have no officers of the Women's Medical Service of India, while the United Provinces has seven, the Punjab five, Bihar and Orissa three, the Central Provinces six and the North-West Frontier Province one. The only facilities provided in Assam for the treatment of purely female diseases and labour cases are small wards attached to some of the civil hospitals. There are practically no *purdah* wards, no privacy for ordinary patients, no nursing staff, and in most cases a very inadequate female menial staff. Under such conditions, and in consideration of the social and religious customs peculiar to India, it is not surprising that the attendance of gynæcological and obstetric cases is extremely small. Where women are concerned, it is customary to judge the usefulness of a hospital by the ratio of such cases to the total number of women patients. This ratio should vary between 10 and 25 per cent. I find in Sylhet the ratio was about 10, and in Shillong during last year about 6·7. The latter figure is probably higher than in the plains districts, as the women in these hills seek advice more freely. As an instance of this I may say that in Dibrugarh the ratio last year was only 3·3 per cent.

258. So far as you can, will you generalise from your detailed figures as you go along ? I am only saying that because we are rather pressed for time. —Yes. Dr. Scott, chief officer, Women's Medical Service at Delhi, and secretary, Countess of Dufferin's Fund, visited Assam last year, and visited Dibrugarh and Sylhet. She describes the ward for gynæcological and obstetric cases as a " hut," and I entirely agree with her.

259. I do not think you need give the extracts. I have your memorandum.—With regard to the training of *dais*, there are no female hospitals, so the training of *dais* is practically impossible.

260. Midwives ?—Midwives. There is only a *dai* class at Dibrugarh of four *dais*.

The second point is that practically no provision exists in hospitals and dispensaries in Assam for the accommodation of government servants and their families, or of the well-to-do public or Europeans.

261. Except at the Welsh Mission, you say ?—Except at the Welsh Mission Hospital at Shillong, yes. In the United Provinces private wards are provided in the majority of hospitals at the headquarters of districts, and there are excellent hospitals for Europeans and those who live in the European style. Other points are, there are no sanatoria for tubercular cases. An excellent one exists at Bhowali in the Nanital district of the United Provinces. There is no medical college. Our students are trained in the medical college at Calcutta. Hospitals and dispensaries generally are of poor construction, and often poorly equipped.

262. You say there is one which we can see for ourselves ?—As an example, it is only necessary to step across the road from this Council Chamber and see the Shillong Hospital, which is a disgrace to the headquarters of the province. General Symons recently inspected here, and he says with regard to this hospital : " In fact, in some provinces and " presidencies I have visited in India it would be " considered to be unworthy of some back of beyond " mofussil station. It is impossible to expect any " decent or up-to-date work to be done, either medical " or surgical, in such an institution as this, where " there are no nurses, the so-called nurses I saw " to-day I cannot consider to be nurses. The theatre " is crude, and the wards are too awful for words. " It is high time this building was scrapped and a " new up-to-date hospital built in a more suitable " position."

263. To what do you attribute this inadequacy of hospital accommodation ?—Entirely to lack of funds.

264. Has the attitude of this legislative council been sympathetic ?—Always.

265. It is only to financial stringency that it is due ?—Certainly so.

266. I note in regard to local bodies, at the end of this memorandum which you have not seen, they say that they have been content to endure some anomalous conditions under which they labour in regard to their own staff and the administrative staff of Government, and then they say friction occurred between local bodies and the Government staff. Have you any special information on the hospital side as to that ?—In a few cases there is a little trouble between the local board and the medical staff, and they do not treat the medical man as a medical adviser, or, sometimes, listen to his advice. There has been some difficulty, particularly with regard, we will say, to indents for medicines.

267. I notice that on page 326* in the figures given of the expenditure in this province, at the bottom of the page, it is stated that the expenditure for the dispensaries, including salaries, medicines, diet, buildings and miscellaneous, has increased from Rs. 4,96,000 in 1921 to Rs. 7,37,000 odd in 1927 ?—Yes.

268. There has therefore been a considerable increase in expenditure ?—Yes.

269. But you say there ought to have been more, of course ?—I could spend lots of money in this province.

270. It is not adequate to the necessities ?—No, certainly not.

271. Would you like to give us the details of the superior medical staff ?—In this province at the present time there are twelve Indian Medical Service officers. Three of these are holding appointments as Inspector-General of Hospitals, Director of Public Health and Director of the Pasteur Institute. The nine remaining are civil surgeons. Of these, six are European I.M.S., and three Indian I.M.S.

272. How is the proportion between Europeans and Indians maintained in recruiting ? Is a vacancy of a European filled by a European, and a vacancy of an Indian filled by an Indian ? You say there are thirteen ?—There are now twelve. One European I.M.S. officer retired last September.

273. Has his place been filled by a European ?—No, not yet, on the ground of shortage of European I.M.S. in the service. We have applied to the Government of India for another European I.M.S. officer to fill his place, but so far they have not been able to send us anybody, and it is unlikely apparently that they will be able to do so.

274. Now, have you anything to tell us about the officers of the Indian Medical department ?—There are at the present time seven I.M.D. officers in the province. One of these is the assistant to the Director of the Pasteur Institute. Three are civil surgeons in the three hill districts of Garo Hills, Naga Hills and Lushai Hills and the appointments for the other three are at Lungleh, Mokokchang and Pasighat.

275. I do not think we need enter into such details. Then, about the provincial medical officers ?—Two are promoted as civil surgeons. Thirty-four are permanent and three are temporary.

* Vol. XIV.

† NOTE.—To these should be added Gauhati.

* Vol. XIV.

276. In regard to the general qualifications of these officers, do you consider them satisfactory ?—Yes.

277. You have no criticisms to make ?—No.

278. In regard to the I.M.S. officers, the proportions of course depend on the recommendation of the Lee Commission ?—They do.

279. Is it the case that the policy here has been that local bodies are responsible for the administration and upkeep of medical institutions ?—Yes.

280. Do you consider this has been successful ?—I think on the whole it has been successful.

281. Do you think that the administration of hospitals is on a par with the other health administrations of the province ?—I think so, yes.

282. Some take a pride in the work and there are others which leave a great deal of room for improvement ? Is that so ?—That is so.

283. Now let me ask you what you think of appointments to your service. Would you give us your opinion as to the methods of appointment to the medical service ? In regard to the provincial medical service, do you think that in selecting a candidate the only consideration to prevail should be his merits and qualification ?—The medical department is a highly technical department, and I think it should be decided on merit and qualification only.

284. Without regard to communal differences ?—Only in exceptional cases. In exceptional cases I would not object to the communal question coming in, other things being equal, and if the members of a certain community were deficient.

285. What have you to say as to the proportion of European appointments ? You think it is sufficient now and that it ought to be maintained at its present figure ?—It is less at the present time than the figure which has been laid down by the Government of India in their recent communiqué. According to that communiqué, in the future there would be seven European civil surgeons in Assam, and no Indians in the medical service of Assam as civil surgeons, plus a leave reserve of two. So that according to that communiqué Assam in future should have seven European I.M.S. civil surgeons plus a leave reserve of two, and no Indian I.M.S. officers at all.

286. When will that be put into actual operation ?—It will take effect in many years, I think, as far as this province is concerned. Of course we have three Indian I.M.S. officers now, and they will stay on till they retire. Then it will depend entirely on recruiting Europeans for the Indian Medical Service.

287. Where trained sub-assistant surgeons have proved a failure in the hills, what do you think ought to be done ?—The only thing is to try and get more hill sub-assistant surgeons, and we are endeavouring to do that as far as possible by giving hill scholarships and in other ways trying to persuade Nagas, Lushais and Garos to be trained in the medical schools for our purpose. In time we hope that we may get an adequate staff for the hills.

288. Are qualified men coming forward now ?—There are a few men in the Dibrugarh medical school at present. We have not enough at present and we are not likely to have enough for the next two years, but gradually we are endeavouring, as I say, to get Lushais, Garos and Nagas to come to the medical school for training for that purpose. Sometimes it is rather difficult, because the education in the hills is not suitable and not sufficient for a sound beginning.

289. Are these hillmen proving suitable for such posts ?—Certainly, yes.

290. How do you compare their adaptability and their intelligence with that of those from other parts of the province ?—I have not seen very many, and I cannot talk from great experience on that point.

291. Are you in favour of an independent Public Service Commission to make appointments to the provincial medical service ?—Yes.

292. You hold, however, I understand, that the appointment of sub-assistant surgeons should be in the hands of the Inspector-General ?—Yes, that is so at present, and I think that should remain.

293. Do you wish to add anything to the statement which you have handed in ?—No. I do not think so.

294. *Lt.-Col. Smiles*: Well, sir, we prepared a number of questions which we sent to Colonel Hutcheson in advance to save time, and you have the questions and the answers. Again to save time I propose to limit the questions as much as possible. Nos. 1, 2, 3 and 4 you have pretty well stated already to Lord Burnham, I think ?—Some materials have been provided by the Director of Public Health.

295. I was going to come to that afterwards. Very good, I would like you to briefly state that short note by the Director of Public Health.—The following defects in the Public Health Department were pointed out by the Director of Public Health. Firstly, the services of the Public Health engineer in Assam were dispensed with after the war, owing to financial stringency, and the vacancy has never been filled. In the United Provinces I may mention that there is one superintending engineer and fourteen executive and assistant engineers. Secondly, properly qualified district health officers are essential in all plains districts. And thirdly, an increase is desirable in the staff in rural areas employed on preventive epidemic measures and for public health propaganda.

296. We have no Public Health engineer in Assam as they have in the United Provinces. Is it not a fact that when there was a serious cholera outbreak in Dibrugarh if we had a proper Public Health engineer there would not have been 246 deaths there ?—In Dibrugarh it depended, I take it, on the water supply, which is very bad there.

297. And you want an engineer to look after the water supply ?—Yes, and advise generally on all these matters in all places in Assam.

Lord Burnham: That is a case on which there has been considerable question and controversy ?

298. *Lt.-Col. Smiles*: Yes, sir, and we would like to point out that if the services of the Public Health engineer had not been dispensed with perhaps there would not have been 246 deaths from cholera there. Now, as regards No. 5, you carried out a leprosy survey to the end of 1927, and you disclosed a huge incidence of lepers per hundred thousand of the population ? Is that not so ?—Yes.

299. And this incidence shows, with the exception of Burma, a higher percentage of lepers in Assam than in any other province in India ?—Well, I cannot say that. The figure disclosed by our census for five districts was 11,720, or a ratio of 218·4 per hundred thousand against 3,177 shown in the census of 1921 for Assam, or an incidence of 59 per hundred thousand. Comparing the provinces on the census figures the ratio for Burma was 73·9 per hundred thousand and for Assam it was 66·6 per hundred thousand.

300. Well, I excluded Burma. I was comparing Assam with other provinces in India, excluding Burma. It shows at any rate probably more lepers in Assam than in any other province, excluding Burma. I was trying to get through it as briefly as possible because of the time, and there are more important subjects before us than even lepers.—There are more lepers in Assam in the census of 1921, excepting in Burma, than in any other province.

Lord Burnham: I think the details are given at the * * * top of page 323 (Assam Government memorandum).*

301. *Lt.-Col. Smiles*: Your special survey disclosed four times as many as is shown in the census report ?—That is so.

302. Now about leper asylums in Assam (question No. 8). How many leper asylums are there in Assam and what is their accommodation ?—There are two asylums and one colony accommodating 131.

* Vol. XIV.

303. You can only accommodate 131 lepers in the whole of Assam, is that so ?—That is so.

304. Do you think that more facilities for the treatment of lepers are urgently needed ?—Yes, we need a good up-to-date leper hospital for the treatment of early cases and for special clinical research where we could train our own medical officers, in view of the fact that it is hoped that in the future we shall open a number of out-patient treatment and survey leprosy centres.

305. *Lord Burnham* : As they are doing elsewhere in the world ?—Yes. There is a project for this hospital at Jorhat at an estimate of about Rs. 1,84,000, but it is still awaiting the provision of funds.

306. *Lt.-Col. Smiles* : There are a number of questions I have got about the jails which including the statement of answers already handed over to Lord Burnham, I take it, will prove the point about the absence of medical facilities and very bad jails in the province of Assam. Colonel Hutcheson's answers are all in the affirmative. Might I pass on to other supplementary questions, sir ?

Lord Burnham : I think so.

307. *Lt.-Col. Smiles* : When did the Director of Medical Services last visit this province ?—The Director-General of the Indian Medical Service ?

308. Yes ?—He visited this province on the 3rd of October, 1928.

309. How long did he stay in the province ?—He arrived on the 3rd and left on the 7th.

310. What places did he visit ?—Shillong and Gauhati.

311. Can he gain a fair idea at all of the medical conditions in the province from merely looking at two little places like that ?—A Director-General, Indian Medical Service, cannot be expected to go personally into details of the medical administration of a province. In this case many matters were discussed with the Director-General, Indian Medical Service.

312. Have you made up your budget estimates as yet for 1929–30 ?—Yes.

313. Can you tell us the figures that you propose to spend ?—I am afraid I have not got the figures here.

314. I believe you are about to spend an amount which if distributed would come to about 1/12th of an anna per head of the population in the province ?

Lord Burnham : Of course that is dependent on the action of the legislative council, is it not ?

Lt.-Col. Smiles : Yes, sir, but Colonel Hutcheson has already stated that the legislative council has always supported his budget.—About the grants in 1929–30 all I can expect is——

315. *Lord Burnham* : Colonel Hutcheson, my attention has been drawn to the fact that these figures relate to the next budget and you may not wish to divulge them in anticipation. If you think it is improper, please say so.—I do not think so. I am only saying, sir, that for the next budget certain grants will be allotted which have been distributed between various departments, and as far as my medical department is concerned all that I can expect probably is Rs. 45,000, or about £3,400 for the whole province under " recurring " new expenditure for new projects, and Rs. 65,000 odd, or about £4,900 for the whole province under " non-recurring " expenditure for new projects, or a total of £8,300 for the whole province for new recurring and non-recurring expenditure.

* * * * * * * * *

319. *Maulvi Keramat Ali* : Do you say that under the orders of the Government of India all the district officers of this province should be Europeans ?—No ; I only said that according to the Government of India communique all the civil surgeoncies in Assam will in future be reserved for European I.M.S. officers.

320. You said that there are now two provincial service men as district officers ?—Yes, as civil surgeons.

321. They are certainly doing their work to your satisfaction ?—Yes.

322. Can you suggest any reason why the Government of India want that all the district officers should be Europeans ?—It is a question of the distribution of the reserve kept as a military reserve for the Indian Medical Service.

323. *Lord Burnham* : Is it not an additional reason that they want to provide medical advice to European members of the civil service by European civil surgeons ?—Yes.

324. *Maulvi Keramat Ali* : Are there no Indian hands ?—There are three in the province.

325. Under the Government of India orders you do not want them here ?—I understand they will remain here until they retire.

326. Why do you make a difference between the Indian officers and the European I.M.S. officers ?—The European officer is according to the Lee Commission proposals for the treatment of European members of Government and their families.

327. Do you not think that Indians in the I.M.S. cadre are quite competent to treat Europeans ?—Yes.

328. Are they not treating Europeans now ?—Certainly, yes.

329. *Sir Hari Singh Gour* : Medicine is a transferred subject, is it not, in charge of a minister ?—Yes.

330. The Lee Commission decided that generally speaking all officers in the transferred field should be appointed by the provincial Governments concerned ?—Yes.

* * * * * * * * *

332. *Sir Hari Singh Gour* : I wish to ask you one more question. The number of hospitals here are inadequate. Are there any missionary hospitals to supplement the resources of Government in that respect ?—There is a mission hospital here in Shillong.

333. Is that well conducted ?—Very well conducted.

334. Are there any other mission hospitals anywhere else in Assam ?—There are other mission hospitals also.

335. How many of them ?—There is a mission hospital in the hills in a place called Tura, and there is another one in Gauhati and one in Sylhet.

336. Supposing Government gives to these mission hospitals a subsidy, will that not be sufficient to do away with the duplication of machinery for the treatment of diseases ?—I think it is better to keep Government hospitals under your own control, and there are a certain number of people who do not care to go to a mission hospital for reasons they know best. And as for the orthodox Indian gentlemen and their families I do not think that the missionary hospitals really cater for them.

337. Does the missionary hospital get any subsidy from Government ?—No ; they have had occasional grants.

338. But as a rule they are self-supporting ?—Yes, as a rule.

339. Is there much *purdah* system in this province ?—I have only been in Assam for two years, and I do not know very much about the *purdah* system in this province ; but I think it is prevalent here as much as in any other place.

340. Where do you treat the tuberculosis patients ? Is there any isolation ward ?—In some of the hospitals you have a shed for tuberculosis patients where two beds are reserved.

341. Is tuberculosis bad in Assam ?—Yes, it is fairly prevalent.

342. What means do you take to prevent tuberculosis patients coming in contact with healthy patients and the general public ?—We have separate sheds in some of the hospitals. But we have not tackled the question much in Assam. The arrangement is not very satisfactory.

343. *Mr. Hartshorn* : Could you say where the Welsh Mission hospital is situated ?—It is here in Shillong.

344. *Lord Burnham* : Would you tell me whether one category of hospitals which is mentioned in this blue book is satisfactory ? They talk of the immigration hospitals for the floating population of tea garden coolies. Are they adequate ?—There is quite

a nice immigration hospital in Gauhati. That is the only one I know of, and there are similar hospitals, two of them, I believe, on the other side of the river.

345. I see that they are maintained by Government ?—Yes, the immigration hospital at Gauhati is maintained by Government.

346. Does it get any private support from the planters ?—I do not think so.

Lt.-Col. Smiles: We pay a cess; it varies, of course, and I think it is at present Rs. 4 per head. To the best of my knowledge and belief our cess should cover the expenses in connection with this hospital.

347. *Lord Burnham*: Then it is not correct to say that it is an institution maintained by Government. Have you anything to add to what you have already said ?—The only one point that I would like to mention is that I think all appointments—I am not quite sure whether it was mentioned by me already—but all appointments for gazetted posts should be made by the Public Service Commission.

Lord Burnham: You said that just now.

348. *Lt.-Col. Smiles*: *Kala azar* is peculiar to Assam and very rare, or comparatively rare, in other provinces of India. Is that not so ?—Yes.

349. And have you any idea of the amount that the Assam Government has to spend upon *Kala azar* which other provinces have been able to avoid ? I think the figure is about 20 lakhs ?—That can be found out from the Public Health Report, I think.

Lord Burnham: I find at page 328* of the blue book the expenditure is given from the year 1911–12 to 1927–28. It has increased from Rs. 3,404 in 1911–12 to Rs. 334,149 in 1927–28.

350. *Lt.-Col. Smiles*: Would you agree with me when I say that there are probably a million more people living in Assam to-day because of the good work that has been done by the Public Health Department in the treatment of *Kala azar*, and that but for that fairly large areas of land would have been unoccupied at present ?—Yes, I think so.

APPENDIX (*Vide* Q. 249, p. 338).

STATEMENT SHOWING COGNISABLE CASES UNDER DIFFERENT CLASSES DEALT WITH BY THE POLICE WITH RESULTS FOR FIVE YEARS FROM 1923–1927.

CLASSES OF CRIME.	Year.	Total number of true cases dealt with.	RESULT OF CASES.			Percentage of cases convicted to total number of true cases dealt with.	Remarks.
			Convicted.	Discharged or acquitted.	Not detected or apprehended.		
1	2	3	4	5	6	7	8
CLASS I.—Offences against the State, public tranquillity, safety and justice.	1923	275	173	48	54	62·9	—
	1924	284	201	28	55	70·7	—
	1925	328	220	57	51	67·07	—
	1926	379	245	91	41	64·7	—
	1927	361	238	71	52	65·9	—
Total - -	—	1,627	1,077	295	253	66·1	—
CLASS II. — Serious offences against person.	1923	527	374	46	104	70·9	—
	1924	568	373	67	128	65·8	—
	1925	553	345	79	128	62·3	—
	1926	704	419	108	176	59·5	—
	1927	692	410	135	147	59·2	—
Total - -	—	3,044	1,921	435	683	63·1	—
CLASS III.—Serious offences against person and property or against property only.	1923	4,046	314	102	3,141	7·7	—
	1924	3,940	336	128	2,986	8·5	—
	1925	4,306	380	139	3,271	8·8	—
	1926	3,894	327	113	3,053	8·3	—
	1927	4,142	423	149	3,232	10·2	—
Total . -	—	20,328	1,780	631	15,683	8·7	—
CLASS IV. — Minor offences against person.	1923	57	25	10	21	43·8	—
	1924	57	27	3	27	47·3	—
	1925	72	28	9	35	38·8	—
	1926	79	32	17	30	40·5	—
	1927	59	33	7	19	55·9	—
Total - -	—	324	145	46	132	44·7	—
CLASS V. — Minor offences against property.	1923	3,448	1,309	194	1,494	37·9	—
	1924	3,386	1,199	222	1,553	35·4	—
	1925	3,788	1,341	252	1,763	35·1	—
	1926	3,535	1,220	236	1,699	34·5	—
	1927	3,723	1,394	291	1,693	37·4	—
Total - -	—	17,880	6,463	1,195	8,202	36·1	—
CLASS VI. — Other offences not specified above.	1923	3,289	3,157	92	39	95·9	—
	1924	3,126	3,001	94	30	96·0	—
	1925	2,853	2,721	87	45	95·3	—
	1926	2,944	2,794	79	71	94·9	—
	1927	2,246	2,141	56	49	95·3	—
Total - -	—	14,458	13,814	408	234	95·5	—
GRAND TOTAL -	—	57,661	25,200	3,010	25,187	43·7	—

* Vol. XIV.

Afternoon.

RAI BAHADUR AMARNATH RAY and SRIJUT M. N. BOROOAH WERE ABSENT FROM THE AFTERNOON SESSION.

Mr. G. E. SOAMES, C.I.E., I.C.S., Chief Secretary to the Government of Assam, and Mr. A. H. W. BENTINCK, C.I.E., I.C.S., Revenue Commissioner, Assam.

The Chairman: The Conference proposes to spend a little time this afternoon on the very important subject which you, Mr. Soames, opened to us a couple of days ago.* The question is discussed on pages 78 and following of the Government book† as to whether the backward tracts should be continued under their present administration or whether they should be removed from the area of the province of Assam and placed under the Government of India. My colleagues will remember that on page 83† there is a description of the present Government which we went through the other day, and that the note of the Deputy Commissioner for Naga hills, Dr. Hutton, begins on page 111.† I have nothing more myself to ask and I propose to ask Mr. Cadogan to put a few questions.

1. *Mr. Cadogan*: First of all I should like to ask this question, whether you are in general agreement with Dr. Hutton's memorandum ?—(*Mr. Soames*): Yes, the Government are.

2. I take it that the general idea of excluding the hill tribes is that they should be safeguarded against exploitation ?—Yes.

3. I want to know exactly what tribal tracts you want to exclude. I think all that is marked pink on the map attached to the Government memorandum except the Khasi hills, the Sadiya frontier tract right up to the east and in a qualified degree the Jaintia hills ?—There is no suggestion for retaining the Sadiya frontier tract. The original proposal of the Government was that all the areas shown in pink should be excluded from the province of Assam. There has been a modification in the supplementary memorandum in which the Government are prepared to reconsider their recommendation as regards the Khasi and Jaintia hills. The Khasi hills consist mostly of independent non-British territory and a few British villages while the Jaintia hills are entirely British. The Government in their supplementary memorandum are prepared now to reconsider the question of retaining the British portion of the district within the province.

4. Are these independent non-British territories secured by treaties ?—It is more correct to say that they are semi-independent areas. There are *sanads* given by the British Government and the conditions of the *sanads* require them to obey certain orders of the Government; but these territories are non-British and the Government of India Act does not apply to that area at all.

5. I think you will agree that if the Conference were to restrict itself to the question of the exclusion of the hill tribes from Reforms one ought to give some consideration to the future development of these tribes. Dr. Hutton in his memorandum has very fully given the grounds why these tribes should be excluded—historical, linguistic, social, educational and so on. I take it that one of the difficulties in having a uniform administration in the hill tracts is linguistic. Are the Naga languages akin to one another ?—I am afraid I am not an expert in Naga languages. How far they are absolutely distinct and how far they are akin, I cannot say; but I think they must be, to some extent, akin. Dr. Hutton will be able to tell as he is an expert on this subject.

6. There is great obstacle to the cohesion of these tribes with the non-tribes. Supposing they are excluded what I am afraid is that presumably they may remain in stagnation ?—I do not see how that follows.

7. How can they develop their education, for instance ?—That can be developed as much under the Central Government as under the provincial Government.

8. If you turn to page 116† you see that Dr. Hutton says, "The true solution of the question of "their administration is the gradual creation of "self-governing communities, semi-independent in "nature, secured by treaties on the lines of the "Siemships in the Khasi hills or the Shan States of "Burma, for whose external relations alone the "Governor of the province would ultimately be "responsible." Do you agree with this statement ?—I do not subscribe entirely to it because we cannot have treaties with people who are in parts of British India.

9. At present are all these hill tracts under deputy commissioners ?—The frontier tracts are under political officers; there are two political officers, one for the Balipara frontier tract and one for the Sadiya frontier tract; and for the Lushai hills there is a deputy commissioner who is called the Superintendent.

10. If they were excluded entirely from Reforms, would they still be under the same authority ?—Yes; the Government proposals do not modify that at all.

11. On page 116† it is stated "The hills already "possess a great measure of local self-government . . ." What form does that take ?—I am afraid I am not in a position to speak as an expert of all the hill tracts.

12. Does it bear any sort of relation to panchayats in the matter of the election of the headman ?—In the Khasi hills there is what is called darbars. They vary in numbers and in importance in the different States. It largely depends on the personal equation. If the Siem or headman is a man of considerable power he runs the whole thing; constitutionally the darbar exists but the exercise of its power depends, as I said, on the personal equation.

13. Are the units of self-government in these hills split up or are they one large unit ?—They are certainly split up in the Khasi hills, and presumably so in the others.

14. With regard to the financial difficulty, we see on page 83† at the top it is stated, "In the result the "total deficit, without reckoning forest revenue for "which the hills are geographically responsible, or "overhead charges, must be about 9¼ lakhs, or "taking account of these items about 9 lakhs." Would you develop that ? Is the financial difficulty an insuperable one, you consider ?—In the present question the financial position seems to be subsidiary. If it is decided that on the merits the present union is not satisfactory in the interests of both parties and that they should be separated, then the question of finance arises, but I do not think the question of the two remaining together or being separated ought to be decided by the financial question.

15. *The Chairman*: It comes to this, does it not, if you were to suppose that these hill tracts were taken outside the province of Assam and came under the Government of India, if that rearrangement is made, it might to some degree affect the proper settlement of finance between the new province of Assam and the Government of India ?—Yes, it would affect it to some extent. I do not think that this Government will agree that the Government of Assam should make up the deficit.

16. I do not suggest that. I was only saying that if the rearrangement was made and the burdensome area was removed from the province of Assam, the Government of India would be a factor which would hardly be excluded from consideration ?—No, I do not think it would be excluded from consideration. But what I was trying to make out is

* *See* pp. 314–329 for previous evidence by Mr. Soames. † Vol. XIV.

that I do not see that the financial question should really influence the decision on the main point.

The Chairman: I was agreeing with it.

17. *Mr. Cadogan*: I do not quite follow how justice is administered in the hill tracts?—It is administered by rules which are framed under the Scheduled Districts Act. There are rules for both civil and criminal justice. I have not actually got a copy of the rules just now.

18. Is there anything in the nature of a *jirga* which is found in the North-West Frontier province?—I am not quite sure what a *jirga* exactly is.

19. It is a body of persons appointed in the village who would advise the Collector as to the course justice should take?—There are certain local headmen who have certain judicial powers and functions under these rules. I do not know if that is what you mean. There is no local body as such which frames rules. The rules are framed by the Government of Assam. These rules I can produce at any time. They are all published in the Manual of Local Rules and Orders. Actually they follow the spirit of the Indian Penal Code and the Criminal Procedure Code, but there are separate rules issued under the Scheduled Districts Act.

20. *The Chairman*: I think what one really wants to be told is this. If you go into one of these hill tracts and go into the villages, I suppose people there in these villages will have disputes with their neighbours, maybe a dispute about land, maybe a dispute about domestic felicity; it may be a criminal case. Does anybody decide it or do they simply proceed to fight it out? Have they got any sort of tribal custom which is appealed to for the purpose of settling it amongst themselves? Perhaps Mr. Bentinck will be able to tell us?—(*Mr. Bentinck*): I have no personal experience of the hill districts.

21. *Mr. Cadogan*: To what extent do the hill tribes come within the administration of justice as prevalent in the rest of the province?—(*Mr. Soames*): There are the British courts. The deputy commissioner and his assistants administer the law. But in most of these districts there are certain village headmen who have certain powers to settle petty disputes. Of course there is nothing to prevent the local panchayat settling a case if they can do it.

Lord Burnham: On page 113 of Dr. Hutton's memorandum* it is stated, "In justice too, most "of the litigation is similarly dealt with, the deputy "commissioner or the subdivisional officer acting as "a recorder, and even serious cases of crime are "dealt with according to tribal custom in which the "local officer must be an expert," and so on.

22. *The Chairman*: What is the Roman law referred to in the next sentence, "Assertions of "principles of Roman law have been confined to "matters" and so on?—I suppose he means by Roman law what we now call British law.

23. *Mr. Cadogan*: Is it a fact that the hill tribes were brought under the Reforms contrary to the advice of everybody in the province?—Not everybody. The Chief Commissioner himself decided that they should be brought.

24. *Lord Burnham*: I should like to refer to Dr. Hutton's memorandum,* page 111, in regard to the statement, "In most provinces in India the hill "tribes and backward tracts were excluded from "the operation of the Montagu-Chelmsford Reforms, "and apparently in no province was there included "any tract similar to the frontier hill tracts of "Assam," and so on. But do you think that the exception in this case was justified or would you prefer to have remained in the same position as the others?—The Government hold now that they should be excluded and I suppose their view is that it would have been better if they had been excluded from the first. I presume that it is their view. I cannot speak with absolute authority on that. The Government at the time decided to include them, but I suppose the present Government's view is that it would have been wiser if they had been left out.

25. The district officers dealing with these hill tribes are more or less kept to that sphere of duty, are they not?—No, not altogether.

26. Are they interchanged with the other political officers of the province?—Some of them have been there for a considerable number of years; but actually they can be interchanged. They are part of the ordinary cadre. An officer in the hills may be sent to the plains to-morrow. There is nothing to prevent that. The deputy commissioner of the Naga hills, has been there for a number of years. The present deputy commissioner of the Lushai hills has just gone there. The Khasi hills has seen many officers in recent years. The officer in the Garo hills has been there for the last three years or so.

27. Does it apply equally in the case of the provincial service as in the All-India service?—Not so much. Of course there are very few provincial service posts and to a great extent they are held by hillmen.

28. Have you tried the experiment of posting these men from the plains into the hills?—Very rarely. I do not say it has never been done. We have had hillmen of one district posted to another hill district. But I think we very rarely post men from the plains to a hill district.

29. *The Chairman*: Mr. Bentinck is the commissioner of the Assam Valley district. What do you say, Mr. Bentinck, about the postings?—(*Mr. Bentinck*): There is only one hill district in my division, that is the Garo hills, and I do not remember there having a plains man posted to the hills. As a matter of fact there is an European officer there of the Assam Civil Service.

30. *Lord Burnham*: Supposing the recommendation of this Government be carried out, will there be any administrative difficulty in adjusting the system in regard to the cadre or any other machinery of administration?—(*Mr. Soames*): I do not think there should be any. The All-India cadre would have to be adjusted and officers will have either to be recruited separately for the hill districts or will have to exercise an option as they do now for the executive and judicial service. They will have to elect to serve in the hills or remain in the plains, the reason being that if an officer elects to serve in the hills, he will lose some of the higher administrative posts. I do not think there will be any difficulty in getting officers on this account. I do not think there will be any difficulty in getting officers who would work in the hills. For the provincial service it will be possible to recruit hill officers as we do now.

31. *The Chairman*: With regard to the Darjeeling district is it not correct to say that the Darjeeling district is excluded in the sense in which you want these hill tribes to be excluded?—I am not quite sure what the position is there.

32. It is referred to at the bottom of page 80*.—I know it is excluded, but I am not quite sure what the position is exactly, whether it is financed by the province or whether it is not financed by the province.

33. *Lord Burnham*: Are you prepared to endorse what Dr. Hutton says† in recommending that these backward tracts should be withdrawn from the reformed constitution, "This is no retrograde step, "as the representation on the council so far means "nothing at all to the inhabitants of the hill districts "who have not the remotest conception of what it is "all about, but if it should be regarded as reactionary "in nature, this objection could be met by the estab-"lishment of local darbars which would give reason-"able opportunity for the development of the "indigenous genius for village administration and of "rudimentary co-operation between different and "often antagonistic tribes"? Do you agree with that?—With the first part certainly except with regard to the Khasi and Jaintia hills. As regards the other hills the remarks in the first part are perfectly correct. As to the second part, as to the system which should be adopted in the hill districts, the Government

* Vol. XIV. † Vol. XIV., p. 115.

have not actually come to any opinion at all. It will be left to the future government. Dr. Hutton has great experience in the hills and Government would attach great weight to any opinion which he should express as to the form the administration should take.

34. *Lt.-Col. Smiles*: Mr. Soames, do you not think that if capital was available to build roads and railways, the mineral and the forest resources of these hills would more than pay their way?—I am afraid I could not make a guess. It is quite possible as the resources are unknown. But I am afraid it would not be safe for me to prophesy.

35. My second question is, have the Assam Government properly explored all the possibilities of forest minerals of these hills?—Fully, I presume not.

36. I ask, have they properly explored them?—I imagine they have not been fully explored.

37. *Maulvi Keramat Ali*: I think Mr. Soames will admit that the Khasi hills people are racially, historically, linguistically and religiously, different from the plains people?—They are, except so far as the Christian converts are concerned, who on the religious side are akin to the Christians on the plains.

38. Still you want to take them out of the Reforms because they are advanced?—I do not say Government wish it. Government, in view of the recent information, are prepared to reconsider their recommendations and the question of retaining the Khasi hills within the districts subject to the conditions stated in the supplementary memorandum.*

39. Because they find that the Khasis are an advanced race?—The Government feel that there is a strong feeling amongst the Khasis themselves, or at any rate amongst a section of them, to remain under the reformed Government and they are therefore prepared to reconsider the question.

40. Do you not admit that the Khasis are more advanced than the other hill people?—They are.

41. *Maulvi Keramat Ali*: Is not this advancement of the Khasis due to the fact that they constantly come in contact with the plains people?—I do not know to what extent it may be due to that. Possibly on the southern slopes of the hills it may be partly due to that, but it is not so in the uplands at all. It is largely due to the Welsh Mission.

42. Is it not due to the fact that their potatoes and oranges are to be taken to the markets in the plains?—Yes, the increasing wealth may have come from trading with the plains.

43. And therefore they have to come in contact with the plains people?—Not personal contact. The potatoes are sent down by motor cars and I do not see why it should affect the intellectual and other developments of the Khasis. Materially, perhaps, they got their wealth from such trading.

44. If you just admit that these Khasis have advanced it is partly due to the fact that they have the opportunity of coming in contact with the plains people?—Of trading with the plains people, I admit.

45. Would you deprive the people of the other hills of the opportunity to come in contact with the plains people?—They would not be deprived. They would still be trading with the plains people. If there is a separate administration they probably would be trading as much as when there is one administration.

46. If the Khasi and Jaintia hills are taken within the Reforms and the Garo hills left out it will be like an island between Bengal and Assam? Neither Bengal nor Assam will take steps to open roads to the Garo hills.

Lord Burnham: Is it possible that no roads would be made because they were politically inactive?

The Chairman: You mean if any one made a road in the Garo hills, you believe that under the new arrangements it will be the Government of India?

Maulvi Keramat Ali: Yes.

47. *The Chairman*: There are not very many roads there at present, are there?

Maulvi Keramat Ali: There are not, because they are governed in a peculiar way.

The Witness (*Mr. Soames*): I think that if the administration was separated and the Government of India or any other Government is responsible they are just as likely to vote funds for the opening of roads in the Garo hills as the present legislative council of Assam is.

48. *Rai Bahadur Sadananda Dowerah*: You admit, Mr. Soames, that this question was not discussed in this council, except the financial aspect of it?—There have been references to other aspects. There has been reference to the fear, I think, that the plains would suffer from their connection with the hills, that their political future might be obscured and that they might be kept back by the fact that they were linked to the hills. I do not mean that the direct issue has ever been raised, but it has been mentioned.

49. Mentioned by one gentleman?—I cannot say how many, but it certainly has been mentioned.

50. Do you not think it is fair that the council should be given an opportunity to discuss this question and pronounce an opinion?—Well, it is always open, I suppose, to the council to move in the matter.

The Chairman: You will notice, I dare say, that there are some extracts at the bottom of page 86 and the top of page 87 (Assam Government memorandum)* and we all agree with you, I am sure, that it will be very useful to know what view the council took.

51. *Lt.-Col. Smiles*: You state that the advance and development in the Khasi hills was possible because of the Welsh Mission. Would you not like to say that it was because from time immemorial the Khasi women have had more power than men?—That may have contributed to it. I am afraid I cannot say whether that was the cause.

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67. *Sir Arthur Froom*: Is it correct to describe the Naga hills and Lushai hills as frontier tracts?—Well, I think it is. There is what they call unadministered territory on one side of them.

68. Frontier tract is a place where India might be attacked from outside. The Naga hills and the Lushai hills touch Burma? If they are called frontier tracts you will be asking the general taxpayer to foot the bill for these frontier tracts. I cannot see how Naga hills and Lushai hills can be described as frontier tracts?—They are in the sense that beyond them there is an area which is not British territory.

69. Burma?—But there is unadministered territory in between.

70. I only wanted to know why the general taxpayer should be asked to pay for the administration of these two districts?—For the reason that they are frontier districts.

71. Do you call Sylhet a frontier district, being between Assam and Bengal?—No; but there is unadministered territory lying beyond the Lushai hills and the Naga hills.

72. *Mr. Cadogan*: It is not impenetrable?—Not necessarily impenetrable. Part of the area has been brought under what they call loose political control but there are other parts which are not even brought under.

73. *Sir Arthur Froom*: Would you admit that this is an argument as regards the Sadiya and Balipara frontier tracts?—Certainly, but also both the hill districts, except in so far as there is not so much independent territory from which an attack could develop as in the case of Balipara frontier tract and Sadiya frontier tract. The Government of India meet very largely the expenditure of the frontier tracts. Apart from the Assam Rifles about 3½ lakhs of the annual expenditure is met by the Central revenues in these two frontier tracts.

74. And nothing in relation to Naga hills?—Only for expenditure incurred on account of the unadministered territory.

75. *Sir Hari Singh Gour*: Mr. Soames, reading this memorandum I find that you cannot take up this question of the backward tracts without going into

* Vol. XIV.

the question of Sylhet, Cachar and Goalpara. Will you kindly read page 77* ? It is said there : " At " the instance of the Secretary of State, who held " that the transfer of the district could not be dis- " sociated from the future form of administration of " Assam, the questions both of transfer and of future " status have been relegated for consideration by the " Statutory Commission." Now, the Statutory Commission is to decide the question about the transfer of Sylhet to Bengal. . . .

The Chairman : To report on it.

Sir Hari Singh Gour : Yes, report on it. Am I correct in looking at the question from this point of view ? In looking at the question of the retransfer to the Government of India of the backward tracts we cannot dismiss from our view the question of Sylhet, Cachar and Goalpara and the consequent fear expressed in the Governor's note at page 128, paragraph 4,* " Even a partial dismemberment of " Assam as at present constituted would give rise to " many serious difficulties, both administrative and " political, and if its area and population were " materially curtailed it is doubtful whether it " could retain the status of a Governor's province." Now, therefore, the question is not really a question of whether we should or should not transfer the Garo hills and a few backward areas to the Central Government. We have to take up the whole question of the reconstitution of Assam. First of all I will take you through the question of Sylhet and Cachar, then of Goalpara and then of the backward tracts. Then what remains we might well suppose to come under the Governorship of Assam. Now taking the question of Sylhet and Cachar we are landed in a very curious position. If you turn to page 129* you will find a statement made there to the effect that Jaintia does not wish to be separated from Sylhet ?—That is not the Jaintia hills ; that is the Jaintia Parganas, which is in the plains.

76. But is it anywhere near the Jaintia hills ?—It is outside the Jaintia hills.

77. I do not find Jaintia as distinct from Jaintia hills here ?—That is not part of the Jaintia hill district. You will see that the Jaintia Parganas is south of that.

78. Is Jaintia a separate district ethnologically from the people of Sylhet ?—(*Mr. Bentinck*) : They are entirely a separate people.

79. All right. Then we have got this thing. A resolution has been passed by the Assam legislative council to the effect that Sylhet and Cachar must go to Bengal. Is it not so ? Is that statement correct ?—(*Mr. Soames*) : There was a resolution passed some time ago.

80. Not some time ago. The one I am referring to here is a recent one ?—There has been a recent resolution modifying the previous one.

81. What is the effect of the recent one ?—That people of Sylhet and Cachar should remain in Assam and not have to go to Bengal.

82. Then there is the resolution of the Goalpara people going to Bengal ?—I do not think there was any such resolution.

83. Not a resolution ?—The reference to the resolution about Sylhet and Cachar at the last session of the council is contained in the supplementary memorandum, on page 553.* * * * *

84. *Sir Hari Singh Gour* : The position of the separation of Sylhet is still this. It has been the subject of two resolutions, one in favour and one against. The question of separation of Goalpara has also been the subject of agitation ?—Yes.

85. And it is the view of the Governor of Assam, as I have already read out to you from paragraph 4 at page 128*, that any dismemberment of the province materially affecting its area and population would imperil the continuance of Assam as a Governor's province ?—I think that remark was intended to refer to the plains districts.

86. I know that, but at the same time, although it was used with reference to Sylhet and Cachar, it remains true that it refers to a material curtailment of the area of Assam. Supposing we are to take away the Garo hills in the northern frontier and the Lushai hills from Assam, its area would very materially be reduced ?—Its area, of course.

87. And population too as we will see presently ?—The population of the hill tracts, * * * is about 750,000, that is 7½ lakhs.

88. Assam even as it is is itself a very miniature province ?—But we consider it as a very important province all the same.

89. You may be a very important province and at the same time very miniature. Comparatively you are the smallest province in India. And yet if you are to cut out from you all these tracts, your province will become a still smaller one almost equal to a Commissionership ?—I do not know what the area of a Commissionership is, but it certainly would be reduced in area.

90. But would your Government be in favour of the administrative changes involved, for instance, doing away with the appointment of a Governor and making it a simplified and cheaper form of Government under a Deputy Governor, or Chief Commissioner in order to set off the loss which the dismemberment of Assam will entail upon the Central revenues of 9 lakhs of rupees ?—No. The Government of Assam has recommended the same form of Government as at present for the province.

91. As regards these backward tracts, the whole position is summed up in the last paragraph at page 566* of the supplementary memorandum. It says : " The problem before the Statutory Commission " seems to me to be this : is it desirable to retain " measures designed to maintain tribal individuality " when the educated persons of the tribes are willing " to run the risk of absorbtion ? The policy of the " British Government in the past has been to preserve " the customs of the tribes and to leave them alone " to work out their own salvation as far as possible, " even at the expense of the rest of the province." Now these are the words I wish to emphasise : " This " policy has continued under the reformed con- " stitution. Is it to continue in the future ? " If this policy has continued under the reformed constitution and can be safeguarded under the future constitution, then there is no occasion for change ?—Why it is said so in the memorandum is more or less this. At present there is no desire or attempt on the part of the council to interfere with the hill districts ; but it does not follow that that will continue in the future.

92. But supposing we were to give you a minister, and supposing it were provided in the Constitution itself that the minister is responsible for the development of the backward tracts and to see that no undue interference is made by the legislative council with the autonomy, or the individuality, or the development of these tracts, do you not think that it would be a much cheaper and a more satisfactory way of dealing with this question ?—That is not everything. It is not the only question of legislative interference. There is the question of voting of funds. You can have no guarantee that if the hill districts remain in the province the future legislative council will vote the funds.

93. You see that within limits so far as the budget provided by the minister for these backward tracts is concerned, it would not be subject to vote ?—What do you mean by " within limits " ?

94. The protection will be substantial and real, since the minister will be responsible for the backward tracts ?—If you mean that the minister, or whoever is in charge of the portfolio, could incur any expenditure and such expenditure would be non-voted, that might secure the interest of the hill tracts, but the Government of Assam has already stated in their memorandum that they do not consider that it would be fair to the plains if the provincial revenues

were to be called upon without any voice in the matter to foot the bill to any extent. They therefore say that it is in the interest of the plains as well as in the interest of the hills that they should be separated.

95. It is the question of the rich man refusing to keep his poor relation ?—But it is not likely that he would refuse to do it.

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97. *Colonel Lane-Fox*: Is this the first time that the Government of Assam has put forward the proposal contained in paragraph 40 at page 101 of the memorandum* for the separation of the hills, or has it been put before the Government of India before, and, if so, what was their attitude ?—No; it was discussed before the inauguration of the Reforms, but the final recommendation was for its inclusion.

98. What is the attitude of the Government of India about it ? Has the question been raised again recently ?—I do not think so. I am almost certain that it has not, and we have nothing to show what the attitude of the Government of India would be, so far as I know.

99. *The Chairman*: I did not quite follow. Did you mean that it was the Government of India's view when you spoke of the "final recommendation" ?—No; it was the view of this Government, then the Chief Commissioner.

100. If I followed correctly, I think what Colonel Lane-Fox was asking was whether it would throw any light on the views of the Government of India ?—No, so far as I know.

101. We find it stated at page 79*, paragraph 14, where you describe the views of Sir Nicholas Beatson Bell, and it is followed by this: "The Functions "Committee, and the Assam witnesses before it, "considered that the backward tracts should be "excluded. In their Ninth Despatch the Govern- "ment of India had recommended the complete "exclusion of certain areas, such as Angul and the "Chittagong Hill Tracts, where the population was "aboriginal, of low density, and inimical to its plains "neighbours, while they considered that other areas "which were more developed, being represented on "the legislative council and administered on much "the same lines as other parts of the province con- "cerned, as for instance Chota Nagpur. . . ." etc. ?—Yes, that was before the institution of the Reforms.

102. *Colonel Lane-Fox*: I was asking whether there was any recent instance ?—No; it has not been put forward again.

103. *Rai Bahadur Sadananda Dowerah*: Would you favour exclusion of the hills even if the rest of the province should thereby have to lose the status of a separate Governor's province ?—I do not think that question has ever been presented to Government. Government has not contemplated that at all. What Reforms they press for are exclusively for the plains, and they are quite in favour of the maintenance of a Governor's province.

104. Supposing it is decided that the exclusion of the hills means loss of status, would you advocate it ?—That problem has not been presented to Government. They have not considered that.

105. *Lt.-Col. Smiles*: There is only one point I should like to clear up. Sir Hari Singh Gour raised another question in this connection, and that was what will the Government of Assam think of the proposal of the hill districts and the Assam Valley being administered as in the old days by a Lieutenant-Governor's council and Sylhet and Goalpara going to Bengal ?—All that I can say in answer to that is that the Government of Assam are desirous of retaining Assam as it stands, excluding the hill districts, as a Governor's province.

106. *Major Attlee*: Is there a steady growth of population in the plains districts of Assam ?—Certainly.

107. Is there a considerable capacity for a much larger population in the Assam Valley ?—Yes.

108. What sort of increase is possible ?—The increase is coming, as I said before, not merely by the natural growth of population but by immigration, and it is very difficult to say when the Assam Valley will be fully occupied.

Major Attlee: Can you say what proportion of land might that occupy in the future ?

109. *Lt.-Col. Smiles*: Is it not a fact that five million acres of waste lands in the Assam Valley are still to be developed ?—I am not quite sure of the area.

110. *Major Attlee*: I want to get a rough idea of the increase in population.—(*Mr. Bentinck*): I should think that there is room for an increase of 40 per cent.

111. *The Chairman*: The great majority of tea plantations are in the plains. Assuming that the tea industry continues to progress, is there room for considerable expansion in area of tea gardens ?

Lt.-Col. Smiles: The Tea Association figure is five million acres of undeveloped land in the Assam Valley.

112. *The Chairman*: Suitable for what crop ?

Lt.-Col. Smiles: The Government of Assam do not want to give too much land for tea cultivation; they insist on rice cultivation.

113. *The Chairman*: Anyhow, when a new tea garden is set up it involves immigration of people ?—Yes.

The Chairman: It seems to me, gentlemen, that we should spend some time on what is mentioned on page 98*, namely, the question of the transfer of Sylhet. Sir Hari Singh Gour has been good enough already to get out a number of points, but I think we better also put a few questions about it.

114. Would you just tell us, Mr. Soames, how the matter stands ?—(*Mr. Soames*): The question has been the subject of agitation for some years. It began many years ago and was then allowed to die but was revived again. On its revival, the matter was brought to an issue on the suggestion, I think, of the Government of India by putting it to the council, and the council carried a resolution in favour of the transfer. The Government of Assam then took the view that if the people really desired to go back they would not oppose it though they themselves considered that it was not in the interest either of the district of Sylhet or of the rest of the province. They also stipulated that whatever be the fate of Sylhet it should not be allowed to prejudice the rest of the province and that the rest of the province should retain its status and should be entitled to any further development that other Governor's provinces in India might obtain. At that stage it was deferred for report to the Statutory Commission. In the meantime the Government of Assam had already forecasted a change of feeling which was taking place in Sylhet itself and this materialised by a notice of a resolution given at the recent session of the Council; in fact there were notices of two resolutions which were similar though not identical. One of these was not actually moved because the member who had given notice was ill.

115. *The Chairman*: The resolution which was adopted by the council is printed in the supplementary memorandum. This is it; "That this "Council recommends to the Government of Assam "that they do represent to the proper authorities "that the people of the districts of Sylhet and "Cachar desire that these districts do remain in- "corporated in the province of Assam and they do "not seek a transfer of these districts to Bengal."

The Witness (*Mr. Soames*): There was another resolution. It was not actually moved but it was more or less on the same lines. That is the present position. The recommendation of the last council has been overruled by the recent resolution; the opinion of the province as now expressed through its elected representatives in the legislative council is opposed to the transfer of Sylhet. The last resolution has of course considerably modified the position. Previously the Government held that although they

* Vol. XIV.

themselves did not consider that the transfer was in the interests of Sylhet they were not opposed to it if the people desired it. Now the people through their elected representatives have declared against the transfer and in view of the present position the Government are now in a position to state that they themselves are opposed to the transfer of the district. That briefly is the position as it stands now.

116. *Lord Burnham*: It seems to me that this involves the question of the preservation of this province as a Governor's province, because I see that according to the figures given in the Government of India memorandum and in this book too, Sylhet has a population of roughly 2½ million and Cachar 500,000. If these two districts are transferred, 3 millions of population will be taken away and the province left with about 4 millions only. That of course will make it too small to be of the rank of a Governor's province, will it not?—When this question was raised, the Government of Assam were of opinion that even if Sylhet and Cachar were transferred Assam should remain a Governor's province. Financially they would be better off and although there would be a reduction in area and population they did not consider that that should be allowed to prejudice the position of the province.

117. In serial No. 5 in the Appendix on page 129* it is stated that the transfer of Cachar need not be further considered. Is it to be taken as a definite decision on the part of the Government in regard to Cachar?—That question has not been raised again. The people of Cachar do not want to be separated from Sylhet but they do not want to leave Assam and historically too there are no grounds for separating Cachar from Assam.

118. The question of the separation of Cachar could be considered as *res judicata*?—If it is decided that Sylhet should be transferred, the question of the transfer of Cachar would be raised again.

119. Is it roughly true that on the whole the Hindus in the district of Sylhet are in favour of the transfer to Bengal and the Muhammadans against it?—Muhammadans are certainly now against it, and the Hindus, I believe, are more or less committed to the views which they have previously held. At any rate, there is one member who has openly recanted in the council and changed his views, and, I believe, there is really a very strong feeling amongst many Hindus against it. Those who have already voted and spoken in favour of it now find it difficult to get back; but there has been a strong turn-over of opinion.

120. You have in Sylhet the Bengal judicial system and also you have permanent settlement. Does this system, which is different from the rest of the province, interfere in practice, with the satisfactory administration of the district?—Not in the least. I think Mr. Bentinck, who is a commissioner, can express his opinion.—(*Mr. Bentinck*): None whatever.

121. Is it true that the question of annexation of Sylhet to Bengal is mainly raised by the Bengali element settled there?—(*Mr. Soames*) Yes; that is a Bengali-speaking district; it is a Bengali-speaking district in origin. That is one claim for separation.

122. It was a part of Bengal up to 1874?—Yes.

123. You think that the general tendency in those two districts now is in favour of remaining linked to the rest of Assam?—Yes, certainly.

124. *Maulvi Munawwar Ali*: Are you aware that Rai Bahadur G. C. Nag who has written pamphlets on the question of the transfer has himself changed his view now?—I have heard it, but I have not seen it in writing.

125. *Lt.-Col. Smiles*: Sylhet district is permanently settled?—Most of it.

126. Most of the Goalpara district is permanently settled?—A large part.

127. I understand that the permanently settled district of Sylhet refused to take the Goalpara Tenancy Bill which is now on the anvil and so you are going to legislate for the Goalpara zamindaris alone?—The bill only applies to Goalpara.

128. Is it true that the Sylhet people strongly opposed the introduction of that Bill? They do not want the Goalpara Tenancy Bill at all?—It does not apply to Sylhet, it only applies to Goalpara.

129. What I am getting at is this: Those two districts are permanently settled and according to the laws they have a reasonable right to go back to Bengal where the same system of land tenure prevails?—There is nothing to prevent the Assam legislative council passing the Bengal Tenancy Act, for instance, if they wanted it to apply to Sylhet.

130. As regards land rules both these permanently settled areas have more affinity with Bengal than with Assam which is not a permanently settled area?—Quite so.

131. *The Chairman*: Mr. Rhodes has given me the figures about the actual areas in the Assam plains. They are very interesting. There are in round figures 20 million acres of land. Of the 20 million you may call 14½ million acres as cultivable land. In fact there is settled land of 9¾ million acres and that, I think, must be the figure which Lt.-Col. Smiles had in mind when he said that there was about 5 million acres of land yet to be developed. I understand that when you speak of 9¾ million acres as being settled land that is not the same thing as saying that they are actually under cultivation?

Lt.-Col. Smiles: I agree.

132. *The Chairman*: As a matter of fact there are, in fact, in the plains half a million acres actually under tea and 5½ million acres actually under other crops. I gather that these 9¾ million acres of settled land contain 1½ million acres for cultivation of tea, that is, half a million which is already under tea and another million which is marked down for tea; and there is altogether a balance of 5 million acres, whether for tea or for rice, which we might hope one day to be under cultivation.

Lt.-Col. Smiles: May I point out, sir, that we cannot grow tea on the one million acre because according to the new land rules a large part of this land is granted for coolie settlement.

The Chairman: Anyhow the point is that it does show that there is considerable opportunity for increase in population.

133. *Sir Hari Singh Gour*: As regards the transfer of Sylhet and Cachar, Mr. Soames, is it not a fact that there was a resolution in the Legislative Assembly as also in the Bengal legislative council?—(*Mr. Soames*): There was one in the Bengal legislative council. I rather thought that the one in the Legislative Assembly was not moved.

134. Yes. But the resolution in the Bengal legislative council was passed?—Yes.

135. *Maulvi Keramat Ali*: As regards the last resolution about the transfer of Sylhet moved in the Assam legislative council, the Sylhet Hindu members in the Swarajist group voted for the transfer, while the Sylhet Hindu members of the non-Swarajist group voted against the transfer?—The voting is analysed in the Government memorandum.

136. There are very few Hindus in the non-Swarajist group from Sylhet?—There is only one elected member and one nominated member. As I said, Rai Bahadur Ramani Mohan Das, the elected member, who had given notice of a similar resolution, could not move it as he was ill; the other Hindu nominated member voted against the transfer.

* Vol. XIV.

Mr. A. J. W. MILROY, I.F.S., Conservator of Forests, Assam.

137. *Lord Strathcona*: Mr. Milroy, the first thing I want to get clear is with regard to the present cadre of the Forest Service. It is put in rather a complicated way in the memorandum on page 287.* But I understand the figures to be—and you correct me if I am wrong—as follows: There are 17 posts, of which 13 are filled and 4 vacant, and of these posts only one is filled by an Indian ?—Yes.

138. And the reason for there being only one Indian in the service is given in this book on page 481* where it is stated, "There is at present only one "Indian officer in the service, who was promoted "from the provincial service. The reason why "Indianisation has proceeded so slowly in this "service is that for many years recruitment was "stopped with the intention of reducing the cadre. "Now that the expansion of the departmental "activities, which has been referred to in the account "given of the department elsewhere, has rendered "an increase in the cadre necessary, recruitment will "begin again and Indianisation will proceed" ?—Yes.

139. Now we see in the book that the expansion of the timber trade and subsequent developments are making the Forest department a very important source of revenue in this province, is that so ?—Yes.

140. We see that the net income is now nearly 17 lakhs ?—Yes.

141. Now coming to page 288 of the book* we see at the bottom, "If Assam is to preserve the capital "which she possesses in her forests, the rapid ex-"ploitation which the prosperity of the timber trade "demands must proceed on systematic lines and "regeneration must keep pace with extraction." Now can you tell us whether that is the case, whether the process has been carried on systematically and whether regeneration is being looked after ?—We are trying to put as much money as possible into our forests and we are putting their working plans. When that is done, it will be the case.

142. You are regenerating your forests as far as possible ?—Yes.

143. There is an interesting passage in the book to which I do not propose to refer now. We see that you are devoting much attention to the elephant catching operations. Then coming to page 290* we see that there are various indications of the way in which the council appreciate the revenue derived from the forests. It is further stated, "But there "has been no open acknowledgment of the import-"ance of a sound forest policy from any point of "view other than the financial one. . . . The line "of attack which secures most support is to contend "that the forest rules are too restrictive and cause "needless harassment to the people, and that in "enforcing the rules the forest subordinates are "often guilty of oppression and corruption." Can you tell us how far that is true and if so what is the form of harassment that they cause to the people ?—The principal objection that people have is to the rules that have been enforced regarding the examination of timber in transit. Timber after it has been removed from the forest is liable to be stopped at various places and examined to see whether it has paid all government duties or not and that may cause delay which is annoying.

Lord Strathcona: I do not see how that affects the local inhabitants.

144. *Sir Hari Singh Gour*: There is a resolution of the council to that effect with regard to grazing charges, is there not—that there should be a reduction of grazing fees ?—It is not under the Forest department.

145. *Maulvi Keramat Ali*: And a committee has been appointed as a result of that resolution to investigate that question.

Lord Strathcona: This committee has not yet sent its report, I presume ?—No.

146. It is in the process of carrying out its investigation into the alleged grievances ?—Yes.

147. Another allegation is made that the Government are interfering in private trade to a certain extent. Could you tell us anything about that ?—It is generally necessary to do departmental operations when you first start working on a new forest which has not been worked before, because as a rule when you try to sell trees people are unwilling to buy because they do not know how they are going to get the timber out, whether the profit would be good enough, whether the place is healthy or not and so on. So generally we have to start first of all by our own departmental operations.

148. It is stated that one of the difficulties which confront the Government is in the matter of the extraction of the forest produce. Could you explain that further ?—We are given sufficient staff to look after our forests, to regenerate, to build our roads and so on and if we have to do departmental timber operations on the top of that, they have not got enough time to do other duties.

149. Then coming to the most important question of all we are given the opinion of the Government in the book; I should like to have your views on the question of a possible transfer of the Forest department to the popular control. Would you agree to that in principle ?—Yes, with certain safeguards.

150. Would you just tell us what safeguards you have in mind ?—I think that the first safeguard should be that every forest should be placed under a working plan, the working plan to be sanctioned by the Inspector-General of Forests.

151. That is by the Central Government at Delhi ?—Yes, and the control form which is prepared annually in which is shown how the prescriptions of the plan are being carried out should be sent to him and he should have the power to intervene if the prescriptions of the plan are being too widely departed from.

152. Given these safeguards you yourself are quite prepared to see the forests of this province transferred to the minister under the legislative council ?—Yes.

153. The only other question which I wanted to ask you simply follows on that. If that is done, if the service is transferred with those safeguards which you have outlined, do you think that the forests in this province are likely to be and should be a fairly continuous source of revenue to the province ?—Yes.

154. *The Chairman*: Perhaps I might just ask one question. Are you familiar with this map, Mr. Milroy, in which the hill tracts are distinguished from the plains ?—Not with that particular map.

155. Just look at this for a moment. Could you tell me how far, in round figures, are the important forest areas in the hill tracts which are there coloured pink, and how far are they in the plains which are not coloured in the map ?—You mean the proportion of the hill forest to the plains forest ?

156. *The Chairman*: Yes.

Lord Strathcona: It is given on page 286.*

157. *The Chairman*: "Approximately one-fifth of "the reserved area is situated in the backward "tracts ?"—Yes.

158. I dare say you know that proposals have been put before the Conference that the hill tracts which are coloured pink in the map except the Khasi hills, might be transferred to the Government of India and taken away altogether from the administration of the province of Assam. Has that proposal got any reactions which will be material on your Forest service ? Does it matter from your point of view because you lose a portion of the territory ?—No.

159. *Lord Burnham*: In expansion of the question just put by the Chairman and answered by you, I suppose there would be no difficulty in your acting as agent and your service being available in the hill

tracts in the same way as in the plains in the future ? —No.

160. May I ask you to turn to page 292* only for the purpose of knowing what you feel, whether you still attach as much importance as you seem to do here or as the Government does, to reconciling " the " conflicting interests of the expansion of cultivation " and the conservation of the forests of the province " which is a problem the difficulty of which must " increase with the growth in population, and the " sound solution of which cannot for many years be " looked for along lines which will be popular with " the electorate " ? You feel that is correct ?—I think gradually we are doing a lot for the people by allowing them to cultivate such areas in the reserves as are fit for cultivation.

161. And you think public opinion is being educated in the right direction ?—Yes, very slowly.

162. What effect will the transfer have on the personnel of your service ? Will it make any change in respect of its Indianisation ? That is, if the forests are transferred to a responsible minister, will it have any effect upon the recruitment of the Forest service ?—I cannot say that. I do not know. You mean in India ?

163. In Assam, of course ?—No, I do not think so, there will be no effect.

164. What is the proportion of Europeans to Indians in the Forest service of this province ?—In the Imperial service we have got one Indian to 12 Europeans.

165. Is that being continued ?—No. We are promoting another Indian from the provincial service. The suggestion has gone up to the Government of India to promote him and three more posts are going to be filled, but I do not know how they are going to be filled up. That has not yet been decided.

166. *The Chairman* : When you say that it is one Indian to 12 Europeans, you must be limiting yourself to that portion of the staffing of the Forest service as is done by All-India officers ?—Yes.

167. There is, is not there, a large number of forest officers who are in the provincial service ?—Yes, we have no Europeans in it.

168. I know. How many people are there in the provincial forest service ?—There are 14, I think.

169. If you put the two services together and have a list of everybody who is working in the Forest department, what is the sort of proportion between the Indians and the Europeans ?—It is about equal.

170. *Lord Burnham* : Of course it is laid down in the report of the Lee Commission that in future the proportion ought to be 25 per cent. European to 75 per cent. Indian ?—Yes.

171. Have you considered what effect that will have on your service ?—We will not be able to recruit any more Europeans now and at any rate for some time until the proportion has been arrived at.

172. My point is, do you think that will affect the efficiency of your Forest service ?—I think that the forest officer recruited in India will not be quite so efficient unless he was educated in Europe. But unfortunately in future the education will be given in India.

173. We have had it in evidence—I do not want to put it too strong—that educated Indians do not take very kindly to forest service on account of its roughness and loneliness. Is that your experience ? —Yes.

174. Do you think that the proportion fixed in the report of the Lee Commission of Europeans to Indians is too small for efficiency ?—My opinion is that if the Indians recruited could be trained at Home, the proportion would be all right, but that if the Indians are trained out here they will not be so efficient.

175. Therefore this future revenue will be imperilled ?—Yes.

176. *Major Attlee* : I suppose that if you have got too rapid Indianisation of forests in Assam it might have a deleterious effect on the neighbouring province of Bengal ?—I do not think Bengal will be affected. Assam itself will be affected.

177. Supposing forests were made a transferred subject, you think there ought to be some general supervision by the Central Government over the working of the forests ?—Yes.

178. There should be some central control. You cannot get away from it ?—Yes.

179. *Lord Burnham* : Your recommendation of transfer is subject to that proviso ?—Yes.

180. *Colonel Lane-Fox* : Is there any reason why Indians should not be trained in England ? Is it because of the expense ?—It has been decided that they should be trained in India.

181. Can you tell me something about the administration of the forests here ? I take it you let out to whoever takes it the right of cutting trees up to a certain extent ?—No, what we try to do is to mark the trees which ought to be given out, and then sell them.

182. We had complaints, for instance, from a deputation, or rather in a memorandum given in by the Bodo community that for some years past the forest mahals have been put to auction and outsiders have taken them at favourable prices. I suppose they were let to the highest bidders ?—Yes.

183. Has that the effect of excluding the small men ?—If you let it out to the highest bidder you exclude the small men.

184. Then, how do you act as regards the elephants which I gather are a fruitful source of revenue ? Do you let out the areas in which people have a right to hunt ?—We used to auction off certain areas and the highest bidder had the right to catch elephants in them.

185. Subject to a limit ?—No, but it was found that people who knew nothing about elephants very often financed these things and the elephants were very badly treated. Now, when it is decided to hunt in an area some agency which is known to treat elephants properly is allowed to hunt, and it has to pay to Government a certain sum on every elephant that it catches. We do not now sell to the highest bidder.

186. I take it that all the forests in Assam are Government-owned ?—No, there are some zamindari forests.

187. With which you have nothing to do ?—No.

188. *Lt.-Col. Smiles* : You had copies, at any rate, of two of our questions. The first question, No. 1, perhaps you have not had ?—Yes, I have.

189. It shows that the Conservator's quinquennial report for the period 1919–24 states that there are probably no provinces in India where there are so few forest roads. Many forests in the Central Provinces and Bihar and Orissa, he says, have probably more roads in a single district than there are in the whole of the Assam forests taken together. Do you consider that statement is still true ?—No.

190. How will you explain the discrepancy between the report for 1919–24 and the present day ?—We have made a great many roads since then.

191. And the position has materially improved ? —Yes.

192. My second question is this. According to Professor Stebbing's " Forests of India " (1926), Assam is " the most backward province in forestry " matters," but he believes that if properly developed the Assam forests should have a great future before them. Do you agree in the above view ?—Yes.

193. You agree that Assam is the most backward in forestry matters ?—It is rapidly losing that position, but I think it is still. It is getting better.

194. Does your experience of the tramway put down in the Goalpara district support the view that Assam forests have a great future before them ?—Yes.

195. Do you consider that in the past the forests of Assam have had fair treatment in the way of finance for development ?—Yes. We were unable to sell our produce until recent years, and so we could not expect more.

* Vol. XIV.

196. Why could you not sell your produce ?—There was no demand for it.

197. Due to lack of communications ?—No.

198. The mere fact of a railway having been opened up to Tangla has not made your forest produce much more saleable ?—It does not go through a forest tract. I do not think it has affected us very much.

199. *Lord Burnham* : Why do you say it was unsaleable until recently ?—Until recent years, outside the forest areas there were enormous areas of unclassed forests where the ryots had the privilege of meeting their requirements, and so long as they could do that they naturally did not want to buy anything. Then, within recent years the *sal* forests in the Orissa States have been worked out a lot and people have to get their *sal* from us now.

200. *Colonel Lane-Fox*: What do you call unclassed forests ?—Waste lands. Then, just lately the railways have discovered that if they treat evergreen wood sleepers chemically they last a long time and make quite satisfactory sleepers, and they have put in a creosoting plant in Assam now. That will affect the sale of evergreen woods.

201. *The Chairman* : I was given a little summary by the secretariat on the evidence about this, and I might just read it as it bears on the point. " Until " recently the prospects of a surplus balance from " forests were very unpromising. Only the *sal* " forests promised a return and there was little de- " mand for other timbers at a remunerative price. " In 1922 therefore the local Government proposed " a drastic reduction in the strength of the Indian " Forest Service. The Government of India did not " agree to a permanent reduction, but would only " agree to a number of posts being held in abeyance."—Yes.

202. *Lt.-Col. Smiles* : If forests were made a transferred subject do you think the finances would improve, or do you think they would get worse ?—Well, if it was transferred without due safeguards the finances might improve very rapidly at first, but become permanently bad afterwards.

203. We will be using up our capital too quickly ?—Yes.

204. In Burma forests is a transferred subject, and it is a fact, is it not, that Burma has the largest forests in India, possibly in the world ?—Yes.

205. *Rai Bahadur Sadananda Dowerah* : There was some criticism in the legislative council regarding the system of accounting adopted in your department for works done by your agency, the Government agency. Is it not a fact ?—Yes.

206. And you have changed the system of keeping accounts as a result of that criticism ?—Yes.

207. I think you will agree that that criticism was useful ?—Yes.

208. Do you remember that in this council there was a request from a non-official member that better medical provision should be made for the forest officers residing in the jungles ?—Yes.

209. And when one gentleman, one Mr. Simeon, met with an accident somewhere in Goalpara a non-official Indian gentleman requested Government to make better provision for his family. So, on the whole do you think that the criticism of the council has in any way adversely affected the administration of your department ?—Not as regards the question you just asked.

210. Have you prepared working plans for all the important forests in the province ?—No. They are under preparation.

211. How many years has it taken for you to prepare these working plans ?—One important forest had a plan made for it for ten years, and that period has just come to an end, and therefore we have to make another.

212. The criticism of this council has nothing to do with the non-preparation of these plans ?—No.

213. And what reason have you to suspect that if the subject is brought before the council your plans will not be accepted ?—I have not said that.

214. Have you any reasons to suspect that they will not be accepted by the council ?—I do not know that if we made the plans they will come before the council.

215. As regards the Indian officers, you have now an Imperial Service man, an officer of the All-India Service. Was he trained at Home or in India ?—He was trained in India.

216. Is he a very efficient man ?—He has never been under me.

217. You do not know ?—No.

218. As regards the other officers, as a rule are they efficient ?—What other officers ? The provincial service ?

219. Yes ?—They vary very greatly.

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221. *Maulvi Keramat Ali* : You have said that according to the Lee Commission's recommendations there should be 75 per cent. of Indians in your service ?—Yes.

222. But you say that the efficiency of the service will be affected if these recommendations are given effect to provided the Indians recruited did not receive Home training ?—Yes.

223. And you again say that the Government of India have decided that the Indian recruits should not be sent Home for training ?—Yes.

224. Have you pointed out to the Government of India that their orders would result in inefficiency in view of the Lee Commission's recommendations ?—No.

225. Do you know that in 1917 Sir Archdale Earle in his memorandum said that " forests " was a subject which was eminently suitable for delegation from the point of view of the rural population who are so intimately concerned with their working ? He said that in his memorandum dated 11-12-1917.—Delegation to ministers ?

Maulvi Keramat Ali : Yes.

Lord Burnham : We had no Reforms then.

Maulvi Keramat Ali : Perhaps it was on the anvil.

Lord Burnham : We had not had the Montagu-Chelmsford report then.

226. *Major Attlee* : Does that refer to delegation to local bodies ?

Maulvi Keramat Ali : May be to local bodies.

The Chairman : I have got the Montagu-Chelmsford report here. It was signed at Simla on the 22nd April, 1918.

227. *Maulvi Keramat Ali* : Then it may be delegation to local bodies. Now, if it was thought in 1917 that forests might be a subject which might be delegated to be managed by local bodies——?—I think he probably meant village forests.

Maulvi Keramat Ali : It may be.

228. *Maulvi A. A. Majumdar* : I think you are a member of the committee appointed to inquire into the irregularities of forest officers ?—Yes.

229. Do you know that this committee has been appointed as a result of a resolution moved in this council ?—Yes.

230. And do you know that even the mover of the resolution has not been taken on this committee ?—I do not know that.

231. Will you take it from me that Maulvi Munawwar Ali was the mover of the resolution ?—I do not know.

232. *Sir Arthur Froom* : I think in reply to a question put to you by Colonel Lane-Fox you explained how the trees in certain forest districts were marked and then sold to the highest bidder, and I think you said that they were sold in big lots ?—Sometimes in big lots and sometimes in small lots.

233. Does the man who buys the big lot in turn sell again ?—No.

234. There is no question of a middleman ?—No.

235. That is what I wanted to know. There is only one other question I want to put, and that is in connection with the Inspector-General of Forests. Does the Inspector-General of Forests exercise any control or does he advise in Assam now ?—Only advises.

236. And the Inspector-General of Forests, I take it, is a very highly paid expert ?—Yes.

237. In connection with the question of forests being made a transferred subject, you are only suggesting that the minister in charge of forests should take advantage of the advice of a very highly trained expert ?—No, I am suggesting that the Inspector-General should have power of intervention.

238. From the point of view of a man who is a highly trained expert ? I will explain myself. You suggest certain safeguards. Your suggestion is not from the point of view of any unnecessary control, but it is a suggestion that the minister in charge should have the assistance amounting to a certain amount of control from a man who is a very highly trained expert ?—No, that is not my point. I want the advice of the Inspector-General to be binding.

239. But that is from a highly trained expert in the department which the minister has control of ?—Yes.

240. My point is that since this ruling comes from a very highly trained expert, it might not be resented, in fact it should not be resented. After all, I suppose the Inspector-General of Forests does know much more than the minister ?—Yes, but it might not be followed.

241. My point was that as this control is going to be exercised by a man who is very highly trained in a difficult subject, like forestry, it should not be resented by the minister ?—Might not.

242. Well, I will leave that point. I think you probably know that in Bombay forests is a transferred subject. Has the Inspector-General any control there ?—He has advisory control in Bombay.

243. *Sir Hari Singh Gour*: You want in a place like Assam a minister who will have less jurisdiction than the minister has in Bombay, or Burma ?—I am assuming that the form of Government will be different.

244. " Forests " being transferred in Bombay and Burma, the minister there is in sole charge of that department. The Inspector-General of Forests with the Government of India only gives him advice which it is open to him to follow or disregard. You will not object to the forests being transferred to a minister in your province, but you want the Inspector-General of Forests to have larger powers than what he now possesses in regard to the transferred subjects in Bombay and Burma ?—I am assuming that the general form of Government will be different. At present in Bombay if the minister in charge of forests were to say that he was going to cut his forests out in order to raise additional revenue, I imagine that there will be some power to prevent him, but it is possible that in another form of Government there might not be that power.

245. I see. Then, your answer should be that if there is some form of Government in which the ministers could embark upon a system of wanton spoliation, there must be a power to prevent them from doing so ?—Yes.

246. But if they carried out their orders and if they carried out their policy, then they should not be controlled by an extraneous agency ?

The Chairman: I think, Sir Hari Singh, I understand the position to be this. It is quite true that in Bombay, for example, " forests " is a transferred subject. Under the Government of India Act, section 52 (6) says that: " In relation to transferred " subjects "—for example, " forests " in Bombay—" the Governor shall be guided by the advice of this " ministers, unless he sees sufficient cause to dissent " from their opinion, in which case he may require " action to be taken otherwise than in accordance " with that advice." I understand your point to be that if you were to imagine a system of Government in which everything is transferred to ministers, then it is rather possible to think both as regards Bombay and everywhere else that although " forests " is under the minister it would be desirable to have the working plans sanctioned by a highly technical adviser for India as a whole, namely, the Inspector-General of Forests. I do not think that necessarily, if I may say so, is going back on the Bombay system.

247. *Sir Hari Singh Gour*: Suppose forests are transferred to a minister subject to the condition that the Chairman has pointed out just now, will that suffice ?—Yes.

248. As regards the aptitude of the Indians to take to forest life, is it not a fact that for every appointment there are two hundred candidates ?—No, not two hundred.

249. Then, how many ? Fifty ?—It depends on the post.

250. That is to say, the higher the post, the larger the number of candidates ?—Yes.

251. Consequently there is no dearth of candidates for the Forest service ?—No.

252. Is it not a fact that you have to reject a very large number of candidates because there are not so many vacancies ?—Yes.

253. You do not reject them because they are not fit, but if you had vacancies they would be fit to fill those vacancies ?—We have a certain number of posts going and certain number of candidates appear, and we take the fittest. Whether those who are rejected would be fit or not fit we do not consider.

254. Then as regards the training in Europe, would you send your apprentices to the Indian Forest Service to be trained in England ?—Yes.

255. Is there any forest in England where they could receive training which would qualify them for forest service in India ?—They receive theoretical training in England and for practical training they go to France.

Lord Burnham: Germany is the best system; also Sweden.

256. *The Chairman*: And you say they are trained partly in France ?—Yes.

257. *Sir Hari Singh Gour*: Is not the theoretical training which an Indian candidate gets in Dehra Dun in forestry cheap ?—My point is this. If they are trained in Europe, they will have the great advantage of working in forests which have been managed largely with an eye to the benefits being derived by future generations for two hundred, three hundred or even four hundred years, whereas in India they get a good practical training, but they will not be under this influence in forests which have been managed for so very long and worked for the benefit of the future generations. They will not be able to get the ideal here.

258. You want them to go to Europe so that they may gain more experience of the scientific management and working of forests ?—Yes.

259. Then they might as well go after they have completed their course here; they might take study leave, as it were, and go. Supposing you introduce a system whereby after they have been here for three or four years, they take study leave and go to England, will that suffice ?—Yes.

260. And then they will have sufficient training, I suppose ?—Yes.

261. *The Chairman*: As regards that last matter, I do not want the Conference to break up with the possibility of having failed fairly to appreciate the very remarkable organisation which the Dehra Dun Forest Department has. Tell me if I am not right, in the first place in Dehra Dun they have very fine research work side by side with what I may call practical work ?—Yes.

262. In the second place, it is true to say that even in England, where there are very good Forest departments, the teachers and professors and trainers in those departments are themselves old forest officers from India ?—Yes.

263. Is it not true in the third place to say that the Dehra Dun institution has really the pick of the forest officers here from whom to take for the purposes of teaching ?—Yes.

264. And lastly, is it not true to say that part of the Dehra Dun course consists, and necessarily consists, of a course which enables people trained in Dehra Dun to acquire a training similar to that

obtained in European forest areas? If that were so, is there any necessity for them to take study leave and go to England as suggested by you?—They might take study leave. I only said that if they did not go they would not get that ideal. Of course the training here is good enough.

The Chairman: I quite see the value of it. It is a great thing for a man who is going to undertake the difficult task of administering the forests, which consists so largely in looking to the benefits of the future generation, to know what is happening elsewhere in other forest areas abroad. I only wanted to be quite certain about it and to do full justice to the Dehra Dun institute.

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CALCUTTA.

Dated, 14th January, 1929.

Morning.

PRESENT:

ALL THE MEMBERS OF THE COMMISSION (EXCEPT LORD STRATHCONA), OF THE CENTRAL COMMITTEE (EXCEPT SIR ARTHUR FROOM, RAJA NAWAB ALI KHAN AND SIR ZULFIQAR ALI KHAN), AND OF THE BENGAL PROVINCIAL COMMITTEE.

Mr. W. S. HOPKYNS, C.I.E., O.B.E., I.C.S., Special Officer, Reforms, Bengal, and Mr. R. N. GILCHRIST, I.E.S., Labour Intelligence Officer, Government of Bengal.

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1. *The Chairman*: Mr. Hopkyns, you are, we know, the Special Reforms Officer appointed for the purposes of the Commission in Bengal. I think your service goes back to 1903, does it not?—Yes.

2. Partly in what is now Bihar, and partly in Bengal as we know it now?—In Bengal since 1910, roughly.

3. You were district officer at Mymensingh, I think?—Yes.

4. Revenue Secretary to the Government, and acting Chief Secretary, and now, as we know, specially helping us?—Yes.

* * * * * * * * *

24. Could you tell me this. Do you regard the doubling of the number of voters as producing difficulties of a practical, mechanical character for the purposes of the conduct of elections?—Well, the view taken by the Government of Bengal, as has been stated, is that it might be done.

25. We are not going at present into proposals. I am just asking you from your own knowledge?—I think it would be possible.

26. We have been told in several parts of India—it may be interesting to our colleagues in Bengal to know it—that adult suffrage, whatever be its theoretic merits, would increase the practical difficulty of conducting elections to breaking-point?—Yes.

27. That is what we have been told in many places, right or wrong. I understand the suggestion is that, especially when you are dealing with so large a number of illiterate voters, it is absolutely necessary to have persons of sufficient qualification, independence, standing and knowledge to conduct the business of the election of each polling booth. That is the practical difficulty?—Yes.

28. I say nothing as to whether it is a good thing or not. Then, as Sir Abdelkerim Ghuznavi was going on to observe (though I think we are going into this in more detail later), apparently it is calculated that if you were to reduce the franchise to the union board franchise this would bring in as new voters an increased proportion of Muhammadan voters?—Yes.

29. And without going into figures now (we will go into them later), it is calculated that it would mean that the Muhammadan voters would be larger in number than the Hindu voters?—Yes.

30. Whereas at present, of course, in spite of the population figures the number of registered Hindu voters is larger than the number of registered Muhammadan voters?—Yes.

31. Of course, as my colleagues will appreciate, we are not arguing whether this is a good or a bad thing now, we are merely getting facts. * * * Tell me another thing, on page 129.* I see you refer there to an educational qualification for local boards. What is it?—The educational qualification for the local boards is that of a person who is a graduate or a licentiate and belongs to a family which pays the tax.

Dr. Suhrawardy: I think it is the joint family.

The Witness: "Being a member of a joint undivided family one of the members of which is qualified to be an elector as in this rule hereinbefore provided, is a graduate or licentiate of any university or holds a certificate as pleader or mukhtiar."

32. *The Chairman*: Apparently there is an educational qualification also applied in municipalities outside Calcutta?—Yes.

33. *Dr. Suhrawardy*: What are you reading from?—The Election Rules for local self-government.

34. *The Chairman*: The next thing I wanted to ask you a question about, on which I shall be very glad to get your help, is the proportions between the electorate and literacy, alleged ability to read and write, I suppose, as a matter of fact. I turn back to page 14* of the book, this statistical summary, and I see, looking down that page, Hindus of twenty years of age who are literate, and you get a total, men and women together, of just over two million?—Yes.

35. A little lower down the same page 14, Muhammadans of 20 years of age who are literate, you get a total of just under one million—946,000?—Yes.

36. Adding those together, it seems as though Muhammadans and Hindus who are literate amount to nearly three millions?—Yes.

37. On the other hand, you see, the total electorate is a matter of something like 1,200,000?—Yes, I think slightly over that. In the general electorates it is 1,150,000.

38. Very well, I suppose that literacy is very much more widely spread, broadly speaking, in towns than it is in the country?—Yes.

39. It must be so. Where is the page in the book which shows us what is the sort of percentage of the voters who vote, who are literate, and what sort of percentage are illiterate? I see the page is 132.* The detailed percentages, again, do not matter; but looking at it broadly, does it come to this, that among Muhammadans practically half the people who vote, vote as illiterates?—Yes.

40. And among Hindus about one-third of the people who voted were illiterate?—Yes.

41. I suppose there are no figures conveniently available to show the contrast between urban and rural areas?—No, I do not think I have separate figures for that.

42. *The Chairman*: There cannot be any doubt, can there, that in the towns you get a very much higher standard of literacy among the voters than in the country? Would not that be so?

Sir Abdelkerim Ghuznavi: Yes.

43. *Mr. Hartshorn*: You say on page 132* that three inquiries were made into this question of literacy. The first two, at any rate, were very limited in their scope?—Yes.

44. I assume the third inquiry covered the whole of the electors who went to the polls in 1926?—Yes, I think that is right.

45. *The Chairman*: Turning for a moment to page 137,* there is a very striking passage, I

* Vol. VIII.

think my colleagues will agree, on that page. It is paragraph 169, dealing with the inequality of representation in urban and rural areas. The figures are very remarkable. In urban areas, apparently, the average population per seat is 120,000; in rural areas it is 656,000 ?—Yes.

46. Or, taking the average number of voters per seat, in urban areas the figure is 6,022 and in rural areas 15,453 ?—Yes.

47. In this connection, what is the test for an urban area ?—An area in which there are certain municipalities.

48. What concentration of population in the municipality makes the area urban for voting purposes ?—I do not think I can answer that.

49. *Colonel Lane-Fox*: Is not it where the density of population is not less than 1,000 per square mile ?

The Chairman: But is that right for this purpose ? I thought when you distinguished between urban constituencies and rural constituencies you threw all the towns into the rural constituencies except certain towns of a particular size ?—Yes, that is right.

50. And I thought the size was 100,000 ?—I am afraid I shall have to look that up; I forget how they were divided.

51. I thought for constituency purposes you simply confined yourselves to very large towns and called them urban ?—That is right; it is only in the large towns; but what the standard is I do not know.

52. Is not it 100,000 ?—I am afraid I do not remember.

The Chairman: You have five towns in the Presidency which are over 100,000. I am sure one of my friends on the Provincial Committee can help me about this. It differs enormously, gentlemen. It is useful to think of other provinces. There is one province in India which we visited where the test is a unit of 10,000, and where you add together two or three towns of that comparatively moderate population and make them into a single constituency, so that a man may be a member for several small towns. In this instance you have included in the rural area all the smaller towns.

Maharaja Shashi Kanta: Burdwan and other towns are rural, but Basirhat is urban.

The Chairman: That is very odd.

Sir Abdelkerim Ghuznavi: It is really more or less arbitrary.

53. *The Chairman*: One realises it is much easier to ask questions than to answer them on the spur of the moment! There is one other thing on page 137* I should like you to tell me about; I do not understand it. What is the meaning of the phrase " the general standard " ?—I am afraid that is a mistake. That was the general standard they proposed to adopt, and during the discussions which led up to the fixing of the constituencies it was abandoned. It was not deliberately abandoned, but they started with the idea of the million inhabitants or 20,000 voters being suitable for a constituency, and later on they were forced to increase the number of rural constituencies; and now, of course, the numbers are a good deal less than 20,000.

54. Let me read the paragraph; it is no good my reading it and not following it. " From the dis- " cussions which resulted in this allocation of seats, " it appears that the general standard for the whole " of Bengal was to be one million inhabitants or " 20,000 voters for each seat." That seems to suggest that the voter is to the inhabitant as one is to fifty ?—Yes.

55. One voter in every fifty inhabitants ?—Yes.

56. It then goes on: " and that separate repre- " sentation was not to be given to towns with a " population below 100,000, estimated to give " 10,000 voters " ?—Yes.

57. That seems to be one in ten. I do not follow it. Is the explanation that there are many more voters in the towns ?—No, there are not many more voters in the towns.

58. I know from the top of the page that that is not so. It is not very clear: perhaps you would look that up and let us have a note to explain it ?—Yes.*

59. My colleagues will notice that on that page it says: " The recommendations of the Southborough " Committee were criticised by the Joint Committee " —that is the Parliamentary Committee—" on the " ground of inequality of representation in urban " and rural areas." May I remind you that in the red book, which contains the Government of India Act, you will find the report of the Joint Select Committee, and on page 15 I find this, which I should like to read to the Conference: " The " Committee "—that is, the Joint Select Committee —" regard the number of seats allotted to the rural " population, as distinct from the urban, as dis- " proportionately low and consider that it should " receive a larger share of representation." Then I gather there was some adjustment made ?—Yes.

60. But it is still true, you know, that urban areas in the sense in which you use the term have something like five times the representation of rural areas on the basis of population ?—Yes.

61. *The Chairman*: A very strange thing, is not it ?

Sir Abdelkerim Ghuznavi: Yes.

62. *The Chairman*: Now let us take the representation of labour. You refer to it on page 140.† Is there anything conveniently available which would be some guide to the Conference as to the size of the class of factory workers, industrial workers, in the province ?—There are about 600,000 of them, I think.

63. Mr. Gilchrist, you may know ?—(*Mr. Gilchrist*): There is the annual report of the chief inspector of factories.

64. What is the sort of number ?—The total number of persons employed in registered factories is about 560,000.

65. Registered factories ?—Registered under the Factories Act.

66. I think it is either all factories which employ twenty people and over, or it may be extended to include places which employ ten people ?—It is twenty people, using power, or ten people without power.

67. That is the test, is it ?—Yes.

68. And the answer is 560,000 ?—Yes, and practically all are in factories employing twenty and over with power. Very few factories of the lower grade have been notified in Bengal.

69. They are practically all places employing twenty and over, and of course there are some very big ones. How far would you say these 560,000 people are a constant population ? How far are they a constant population engaged in industrial labour, as distinct from being people who come and go, people who may be agriculturists at one time and persons engaged in industrial labour at another time ?—It is rather difficult to reply as to the whole number, but industry by industry there are certain figures given in the census report to show birthplace. The large majority of the workers in the organised factories are not natives of Bengal, but there are no figures to show how much they go away every year. The proportion of Bengalis in the big industries of Bengal is very small.

70. I see that is mentioned in the book—that the Bengali does not take to that particular form of livelihood ?—That is so.

71. *Mr. Travers*: Are tea garden labourers included in that 560,000 ?—Tea garden *factory* labourers, but not tea garden *garden* labourers. The great majority of tea garden labourers are agricultural labourers.

72. *The Chairman*: A certain number is engaged in working the machinery that rolls and dries and cleans ?—Yes, just a few thousands.

73. Tell me another thing while we are on it. To

* Vol. VIII.

* *Vide* Appendix B, p. 363. † Vol. VIII.

what extent, if at all, do you estimate that any of these 560,000 people at present hold the necessary qualification for a vote?—There are no figures available to give an estimate, but I should think very few, except perhaps round about the jute mills. Some of the permanent people who are Bengalis and who have homes round there may be, indeed some undoubtedly are open to the general franchise.

74. They have either to pay municipal taxes of not less than Rs. 1.8.0 or to pay income-tax, have not they?—Yes. (*Mr. Hopkyns*): None pay income-tax. (*Mr. Gilchrist*): A certain proportion must pay municipal taxation, especially the higher grades who own houses in the municipal areas, and particularly the sirdars.

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85. *Lord Burnham*: * * * In the Government of India book on education, for example, which is pure narrative, the estimate of the numbers of depressed classes varies very much from what has been given us, and therefore I wanted to get your own estimate?—It is a very vague phrase, I am afraid. As I said before, the University Commission Report makes it about 7,000,000, because it excludes some castes which the census report includes as depressed classes. Take the caste of Chashi Koibartta; they call themselves now Maheshya. There are about 2,000,000 of them. The census report includes them; the University Commission Report excludes them.

86. On the ground, I suppose, that they are not willing to be included?—That they have raised themselves recently.

Rao Bahadur Rajah: May I explain that the Education department only take in such classes as are excluded in educational schools, but not those who are excluded from the temples. The Education department deals with those classes who have no access into the public schools, and therefore their calculation is a little lower.

Sir Hari Singh Gour: I think Sir Michael Sadler went a little beyond that, if you see his report.

The Chairman: What Rao Bahadur Rajah says is probably the key to the explanation, granted what Sir Hari Singh Gour brought out, namely, that the educational figures were really directed primarily to the question whether there were special schools.

Rao Bahadur Rajah: Yes; but the main question is access to temples.

87. *Lord Burnham*: There is also the question, apart from the dubious and suspended position of some castes, in many provinces, whether you include the aboriginal tribes. We have been dealing with it in Assam. But I understand here you take the wider definition for your political purposes?—We have simply followed the census report figure.

Khan Bahadur Faroqui: For example, the Maheshyas in Western Bengal are allowed in the temples, and in Eastern Bengal they are not.

The Chairman: That is one of the great difficulties.

Maulvi Abul Kasem: But in Bengal nobody is excluded from public schools on account of his caste.

88. *Lord Burnham*: Whatever the definition, on page 140* you deal, as the Chairman has also pointed out, with their representation by nomination. What I wanted to ask you was whether, in your opinion, that is the only practical way of securing representation of the depressed classes in this province?—Yes, I think it is the only practical way. If for no other reason, if you were to try to give the depressed classes a special franchise it would be difficult to justify denying a franchise of the same qualifications to the great mass of poor Muhammadans.

89. I dare say we shall hear the views of the depressed classes about that from Mr. Rajah. However, in your opinion that is the only way, and should be continued if we are to have them specially represented?—The Government of Bengal have said in the chapter on Franchise that the possible result of changing the union rate qualification from Rs. 2 to Re. 1 would be to enfranchise a considerable number of these depressed classes, but what part it is impossible to say.

90. The only other point I want to ask you about is whether there has been any political education, in your opinion, of those who have qualified for the provincial franchise since the so-called Reforms which would fit them any better for the exercise of the franchise for the Legislative Assembly; that is, what I may call the Imperial franchise—whether you think that the education of those electors with a wider franchise who have voted has in any way fitted them for the more important franchise, or what may be considered the more important franchise, for the Legislative Assembly at Delhi?—I do not think it could be said that that has been the result. That is my own personal opinion. You mean that the education they have gained by exercising the franchise for the legislative council has qualified them to exercise a franchise for the Legislative Assembly?

91. Yes?—I do not think that could be said.

92. *Mr. Hartshorn*: I want to ask a question on the representation of labour. At present I understand labour is represented by two members, both of whom are nominated?—Yes.

93. Have you considered whether it is not possible to adopt some method of getting representation of labour by election?—It was considered in 1920, and the Bengal Government proposed to have a franchise for the employees receiving a wage of Rs. 25 to Rs. 35 a month, of firms affiliated to the Bengal Chamber of Commerce, but that proposal was rejected. The Joint Select Committee remarked that it was indefensible in theory and very incomplete.

94. I am afraid if we are going to proceed only along the lines of what is defensible in theory we shall have to discard a lot we are considering.—But the constituencies were only two; that is to say, one Calcutta and the mill areas in the 24 Parganas, and the other the other side of the river.

95. Am I not correct in saying that the Government of India publishes, I think it is annually, a book containing the total average number of persons employed daily in all these factories and industries?—(*Mr. Gilchrist*): Yes, the annual statistics of factories.

96. I have seen a book containing the number of persons employed in each of the industries and factories. Is not it possible to use that as a basis, because, after all, the Government have some sort of figures upon which to compile that book? Would not it be possible to use that as a basis upon which to build an electorate for the purposes of getting labour represented in the legislative council? I am talking now about industrial labour.—(*Mr. Hopkyns*): To cover the whole province?

97. It covers all the provinces, really, the book to which I am referring?—I think the difficulty there would be that it would be a very unwieldy constituency. Taking the total number of factory labourers at a little less than six hundred thousand, that number is scattered about; I think about half of it is in Calcutta and the neighbourhood. (*Mr. Gilchrist*): Rather more than half of it. (*Mr. Hopkyns*): Rather more than half of it, and the rest is scattered over the province. (*Mr. Gilchrist*): One difficulty would be that it includes only one type of labour, in factories employing a certain number of persons. It would exclude a very large number of other labourers, of which there is no definite account.

98. Yes. You are talking about the 560,000?—Yes. 560,000 is the registered factory labour.

99. But I think the document to which I am referring includes all substantial industries—all industrial workers, practically?—That is the general census report.

100. *The Chairman*: I suppose it is built up, is not it, from returns made by employers?—Yes, by

* Vol. VIII.

returns made by employers to the chief inspector of factories.

101. Do the returns give the names of the people or simply the numbers they employ in a particular week ?—Only the numbers. It would be impossible to have the names.

102. One of the difficulties which strikes one as a practical matter would be that you cannot give a set of people votes unless you have prepared a list of their names. Of course, I imagine it is conceivable you should have a list which contained their names, but that has got to be considered ?—The actual register of names is in the factory.

103. *Mr. Hartshorn* : The people who supply the numbers could supply the names, and those names could be checked by anyone who cared to do so ?—It would require a constant check, because (especially in big factories round about Calcutta) the labour is rather fluid.

104. That is so, and that is one of the substantial difficulties in the way of using this as a basis ?—Yes. (*Mr. Hopkyns*) : And the labour is largely a foreign population.

105. Could you go into the matter and give us an opinion later on as to whether you think it is a practical suggestion ?—(*Mr. Gilchrist*) : I have the figures here—estimates of the amount of foreign labour in Bengal as a whole.

The Chairman : It seems to me Mr. Hartshorn's suggestion is a good one. It is likely to get the thing in the best order, and it saves time, which is very important. Do you think, Mr. Gilchrist, that (possibly after a word with Mr. Hartshorn) you could let the Conference have a document which would give an account of what the available figures are ? I dare say Mr. Hopkyns would add some reflections about the administrative difficulties. Of course, one difficulty which occurs to one at once is that if you are going to have adult suffrage for everybody it is a little difficult to see how you are going to arrange the franchise on a different basis for people who happen to be employed working machinery in the town. The agricultural labourer may say he has an interest, too.

106. *Lord Burnham* : Are any large number of the industrial workers seasonal and therefore part-time workers ? Are they agricultural labourers who come in for special jobs ?—Yes, partly. There is a fair number of seasonal factories like those dealing with jute baling which are registered and appear in the returns which are given in this publication, and the same is true of the tea factories to a certain extent, though labour is constant on the tea gardens.

107. *Lord Burnham* : The point is they are, or may be, registered elsewhere.

Mr. Travers : I am actually in charge of a tea factory employing about eighty people. About sixty of those eighty are permanent workers ; the other twenty come and go.

108. *Mr. Hartshorn* : Could you tell us how many of these industrial workers are in trade unions ? I suppose the registrar would have a record of the number of workers in the trade unions. Have you got the figure ?—The registrar has a record only of the numbers in two registered trade unions. There are only nine registered trade unions at the moment, one of which is, I understand, about to be dissolved, although it has not yet been officially dissolved. The actual numbers of which I have records as being members of these two trade unions are a matter of two thousand altogether, I think.

109. I understood you to say there were nine registered trade unions ?—Yes, but the Trade Union Act came into force only in 1927, and unions which register during the current year are under no obligation to submit their returns until the next year, so I have no official returns from them.

110. Only two unions have supplied figures ; is that what you mean ?—There are only two which, under the Act, have to supply the figures. Since those two supplied the figures, seven more unions have been registered.

111. When you say there are nine registered trade unions, are you referring to this province ?—Yes, to the province of Bengal.

112. Has the Government considered at all whether two would be regarded as an adequate representation of labour, regardless of how they are to be appointed ?—(*Mr. Hopkyns*) : I do not think they have come to any decision.

113. *Major Attlee* : I want to get a picture of the agricultural electorate. At the top of page 140* you deal with the representation of agricultural interests. What is an " under-ryot " ?—You have to take the ryot first. First of all you have the zamindar. He is the landholder, paying revenue to Government. His tenant, in the simplest form of estate, is the ryot, who holds his land with an occupancy right which gives him the right to keep the land so long as he goes on paying his rent, practically. That occupancy ryot cannot always cultivate his land himself, so he sublets it to an under-ryot.

114. I see. You say very few electors belong to the under-ryot class ?—Very few.

115. Payment of a cess is your qualification. What sort of person pays that cess ? What land will he cultivate ?—It is paid by all agricultural interests ; that is the reason the cess was taken as the qualification. That is to say, it is paid to the Collector by the landholder, the proprietor of the estate—the zamindar. He collects it from the man under him, who may be either a tenure-holder or a ryot. Let us take it he is a tenure-holder. If he collects it from the tenure-holder, the tenure-holder has to pay him the amount of cess on the rent he collects, less a deduction of half for the amount of rent that he pays to the landlord. Then the ryot pays half the amount. If we take it in figures perhaps it is simpler. The maximum cess is one anna in the rupee. That includes both the road cess and the public works cess, but for practical purposes it is all one now. All the district boards levy the rate at the maximum rate, so it is a one anna cess. Of that the ryot pays half an anna. The people above him pay the other half-anna, but each man is entitled to deduct half an anna for every rupee of rent which he pays to his superior landlord or every rupee of revenue which he pays to Government.

116. You have in this province a very large number of sub-tenants ?—Yes, especially in some districts.

117. There may be a very large number of people between the ryot and the zamindar ?—In one district (I think the Maharaja will confirm me) there are about twenty people. That is the Bakarganj district.

118. What I do not understand is this. On a given piece of land there is so much rent, and the cess is an anna in the rupee on the amount of rent, is not it ?—Yes.

119. That rent is, of course, found really by the ryot ?—Yes.

120. He is the man who makes the money, and he has to pay it up through these various hands to the zamindar ?—He pays it to the man immediately above him.

121. And so on all the way up ?—Yes.

122. Does each man pay that cess on the amount he has ?—If the ryot's rent were, say, Rs. 10, he would then pay half of ten annas—five annas—to his own landlord. That landlord again would collect that from all his tenants. He would then pay one anna on the total rents he received, less half an anna on each rupee of rent that he paid to his superior landlord.

123. If I can get a broad picture, I want to know whether one piece of land, so to speak, is sufficient to put on the register quite a number of people who are only mean tenants. Is it possible that owing to this sub-infeudation a number of people get on the register for really only one rupee of cess ?—There is no particular register. The man who pays it to the Collector is the man at the top—the holder of the estate.

* Vol. VIII.

124. He is the only man who pays cess ?—He is the person who pays it to the Collector.

125. I think the qualification for elector (payment of cess of not less than Re. 1) does not enfranchise only the zamindar ?—No, it enfranchises the cultivator. For instance, he must pay Rs. 32 rent. If he pays Rs. 32 rent, then he has the qualification of paying Re. 1 as cess, because he has paid 32 half-annas.

126. In the same way, supposing there are ten mean tenants between him and the zamindar, are they enfranchised by this all the way up ?—Yes.

127. It is not just the zamindar and the ryot, but all the intermediate people will be enfranchised by this one piece of land ?—The middle people will probably be enfranchised for a larger area. The area grows with each man.

128. How ?—Because there are numbers of individuals at the bottom. Let us say there is a large estate of five villages. The proprietor of those five villages gives a lease of one village to another man——

129. Yes, but you are complicating it by taking more. I am taking a single patch of land : I want to see exactly what your basis of franchise is ?—Simply the payment of cess of Re. 1.

130. Yes, and taking the instance you have given where the cultivator pays a cess of Re. 1 on one piece of land, is that sufficient to enfranchise the intermediate people right up to the zamindar, or is it only because they have an aggregate number of mean interests ?—It might be so if the one piece of land was large enough. I am afraid that involves an arithmetical calculation.

131. *The Chairman* : Let us take an imaginary case. Let us suppose that we have got eight ryots, A, B, C, D, E, F, G and H, each paying a rent of Rs. 50. Let us suppose that A and B have got a superior whom we might call W, C and D have got a superior X, E and F have got a superior Y, and G and H have got a superior Z and each of these, W, X, Y and Z, have again a common landlord V. First of all the eight people A, B, C, D, E, F, G and H will each have a vote. Now A and B are both tenants of W and are paying Rs. 50 each to W. Will W have a vote ?—Yes, he would.

Maharaja Shashi Kanta : Not necessarily. The ryot pays a cess of two pice in a rupee, but the man above him, that is the intermediate man, does not pay that amount.

132. *The Chairman* : It comes to this, does it not, that the ryot makes contribution by way of cess to the local funds but the intermediate people do not pay to the local funds ?—Yes, the intermediate men do not pay direct to the local fund. The zamindar at the top pays to the Collector of the district who pays the money into the district fund.

133. *Major Attlee* : I quite see that the system is that half is paid by the ryot and the other half is paid by the ultimate landlord who gets a share from a number of tenants. The point is does the fact that these tenants have paid their amount to the landlord enfranchise them under this payment of cess or is it only the actual cultivator and the zamindar who are enfranchised ?—Yes, it does enfranchise them.

134. I take it that the Collector has a register of people who pay the cess ?—I must explain that for franchise purposes the person who gets hold of the payers of the cess is the local man, that is to say, the panchayat or the union board. If you look at the memorandum to see how the roll is prepared you will find that it is prepared by panchayats and union boards.

135. I want to know whether or not these " mean tenants " are enfranchised on the qualification of the cess ?—Certainly if they pay the cess they are enfranchised.

136. But I gather that the actual payment is made only by the ultimate landlord ?—The actual payment to the district fund is only made by the ultimate landlord.

137. Taking the list of electors in a rural constituency can you tell me whether that consists of zamindars, tenure-holders and ryots ?—Yes, if they are duly qualified.

138. What I am trying to get at is this : I am dealing with page 129* where it is stated that the qualification of electors for the rural areas of the legislative council is the payment of cess of not less than Re. 1. That seems to be the primary qualification for rural areas ?—The more important qualification is the payment of union rate.

139. Who pays the union rate ?—The same people may be paying both.

140. What I want to know is what the rural electorate consists of. Does it consist in the main of landlords or ryots or tenure-holders ?—The great mass of the people would be well-to-do cultivators.

141. Cultivators of about how much ?—The rate of rent varies, but the average figure given is Rs. 3 per acre ; that would mean he would be a holder of about 10 acres.

142. I understand that the system of qualification in this province is different from most of the other provinces. I am trying to find out exactly how far the actual cultivator controls the vote in rural areas as compared with others ?—I should say the large majority of voters are actual cultivators.

143. They are cultivators of something like 10 acres of land ?—About 10 acres. In eastern Bengal, the Maharaja would agree, that it would be rather a larger area of land because the rent there is rather lower.

144. What is the proportion of landless labourers to cultivators holding land ?—In the census the total number of people shown as farm servants and field labourers was 1,800,000, and roughly speaking, in Bengal there is one landless labourer to five cultivators holding land.

145. Is there a great deal of difference in intelligence between the cultivator who cultivates 10 acres and the cultivator who cultivates only 2 or 3 acres ?—Broadly speaking, there would be a difference.

146. I am looking at it from the point of view of representation of various interests. Speaking generally, do you think that the 10 acre man can exercise the franchise better than the 2 acre man ?—Yes, because he is a more substantial man. That is my personal opinion. Generally speaking, I think, he would be a more intelligent man than the man with a couple of acres.

147. One other point. With regard to the method employed in preparing electoral rolls, do you not think that by leaving the preparation to local men there is a great possibility of manipulation ?—So far as it is known, there has not been much manipulation.

148. I certainly would not like to leave the preparation of the electoral roll of my constituency in the hands of local men who would have been my political opponents.—I admit that there is a danger. We do not regard it as an ideal method but it is probably the best in the circumstances.

149. *Colonel Lane-Fox* : The Chairman raised the question of inequality of representation between rural and urban areas. On page 136,* paragraph 168, you say that the average area of a non-Muhammadan constituency is just over 2,000 square miles while in the case of a Muhammadan constituency it is 2,132 square miles ; and you point out the great difficulties of a member keeping in touch with his constituency. I suppose it really makes the election extremely difficult ?—Yes.

150. If there are difficulties in the case of constituencies averaging 2,000 square miles, what about the representation in the Legislative Assembly, when I see on page 142* there is one constituency, Burdwan and Presidency Divisions, which has an area of 31,000 square miles ? How is it possible for one man to represent 31,000 square miles ?—It is difficult for him to be in touch with his constituency.

151. Does he try to be in touch with his constituency ?—Not very much.

152. He cannot really deal with such a constituency himself ?—I am afraid I have not much

* Vol. VIII.

knowledge as to how the candidate works in such a matter, but I take it that he works through the friends he happens to have in the locality.

153. I notice on page 135* you say that interest in council elections was comparatively " keener, and " that the value of the Legislative Assembly franchise " is only gradually being realised." I suppose that is because most of the electors to the Legislative Assembly are not in touch with their respective candidates ?—I think at present more interest is taken in the election to the legislative council.

154. What is your opinion with regard to the election of members to the Legislative Assembly by means of indirect election ? If, for instance, the legislative council is asked to elect members to the Legislative Assembly ?—But that would be a different principle of representation.

155. Why ?—In one case the member will be representing the people in his constituency, in the other case he will be merely representing the majority in the legislative council.

156. Tell me this about university representation, page 139*, paragraph 174 : Do you find that the representation of the universities—I mean no reflection on individuals—gives you men specially representing education and learning or the ordinary politician ?—I would not say the politician, but at the same time I would not say that they possess what would be regarded in England as suitable qualifications for a university representation—I mean men of university distinction.

157. Therefore the main purpose for that representation so far has not been real ?—No, sir. They are not people whom one would describe as distinguished university men.

Mr. Fazl-ul-Huq : As an instance, the Dacca University is represented by the Maharaja, a landlord.

Colonel Lane-Fox : As I said, I do not mean any reflection on any individual.

Dr. Suhrawardy : The Calcutta University is represented by a barrister.

158. *Colonel Lane-Fox* : On page 148.* paragraph 200, you speak about the orderliness of elections to the Council. You say " cases of serious disorder " seldom or never occur. This is noteworthy, as " disorders during local board elections in rural areas " are by no means uncommon." You give reasons. In the case of the council elections you say " the " secrecy of the ballot is also a factor which tends to " prevent disorder. . . ." Is there no secrecy of the ballot to the local board elections ?—Local board elections are by ballot, but I am afraid I cannot speak about secrecy.†

159. *Mr. Cadogan* : How far is it possible to secure to the illiterate voter the secrecy of the ballot ?—What is done is that he goes and tells the presiding officer for whom he wishes to vote ; provided that the presiding officer follows the rules, it is secret.

160. Who is the presiding officer ?—Various Government officers.

161. Can you tell the Conference whether it is a fact that the illiterate voter's vote is made public and is known ?—I have not heard of it being made public.

162. Amongst interested people ?—I have never heard that alleged.

163. On page 149* under " Proportional representation " I find " The method of proportional " representation is followed in only two constituencies, " the Presidency and Burdwan European constituency " of the Bengal legislative council and the Bengal " European constituency of the Indian Legislative " Assembly. There was only one instance of a " contested election ; in this instance the system was " used intelligently and worked well." Was that for the Assembly or the Bengal legislative council ?—I think it was the Presidency and Burdwan European constituency of the Bengal legislative council.

164. Is it your opinion that the method of proportional representation could profitably be extended to other constituencies in the province ?—To the general constituencies ?

165. Yes ?—I think it would be very difficult.

166. *The Chairman* : For the reason that the majority of the voters are illiterate ?—Yes.

167. *Sir Abdelkerim Ghuznavi* : Why do you say that candidates have very little knowledge of their supporters ?—That is an expression of opinion which I have received from the Political department and therefore included.

168. Having regard to the size of the constituencies, is it at all possible for the candidates to get into touch with the electors ?—As has been said, it is extremely difficult for a candidate to cover his constituency.

169. Let us take the Muhammadan constituencies. What is the total number of voters in a Muhammadan constituency ? Is it 20,000 or 30,000 ?—Less than that.

170. Taking the Muhammadan rural constituency, it is quite evident that the size of the constituency as well as the number of voters are very large, is that so ? —Yes, as stated in the memorandum.

171. The foundation of a Government is an intelligent electorate possessed of political knowledge. Taking the present condition of India, having regard to the size of the constituencies and the number of voters in a constituency, is it possible for a candidate to get into touch with his electors ?—Very difficult in the general rural constituencies.

172. That being the case, do you not think it will be a good thing to have what I would call indirect election by means of electoral colleges ?—I would rather not express an opinion on that.

173. To give you a concrete example, take the case of a Muhammadan constituency, a sub-division in East Bengal. There are about 400 unions in the sub-division and about 30,000 electors that elect a candidate to the provincial council. If each union in that sub-division were to elect 4 men, you can get an electoral college consisting of something like 1,600 voters and then it will be quite easy for a candidate to get himself in touch with 1,600 voters and you would probably also get better men for the council. Also under such a system you will be able to get educated men who will be able to exercise their franchise properly. Do you think that will be a better plan than the present ?—It would have certain advantages in the way that it would be easier for the candidate to get into touch with his direct electors. But I would rather not express an opinion on the scheme as a whole.

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185. *Maharaja Shashi Kanta* : With regard to franchise in municipal areas it is based on the payment of a minimum municipal taxation. Is it not a fact that that basis is not uniform ? That is to say, in some municipalities they tax the owners of holdings and in others they tax the owners and occupiers, and the same class of persons who exercise the right of vote in one municipality do not exercise the vote in another. For instance take the Dacca and Mymensingh areas. In Dacca only the owners are taxed and in Mymensingh both the owners and the occupiers are taxed ?—I am afraid I have no knowledge of that.

186. With regard to the distribution of urban and rural areas it looks rather arbitrary that Nadia, Mymensingh and Burdwan should be classed as rural and Barisal and Baraset should be classed as urban. Can there not be a readjustment in the definition of the urban and rural areas ?—A readjustment would be possible.

187. In what respect are Barisal and Baraset more urban than the other three big towns ?—I am afraid I cannot tell you.

188. *The Chairman* : Unless you can tell me what

* Vol. VIII.

† The witness stated subsequently that this statement is not correct. Local board elections are *not* by ballot. The rule prescribes that the presiding officer shall " take a poll for each candidate, the votes being " recorded by himself and his assistant presiding officers, " if any."

is the history of it I am not quite clear. So far as regards the number of members and the questions like separate elections and so on, they were recommended by a committee. But who was it that settled the distinction between an urban and a rural constituency? Who did that ?

Dr. Suhrawardy: There was a local reforms advisory committee for each province.

189. *The Chairman*: And they made recommendations which the local Government adopted ?—They are embodied in the electoral rules and regulations.

190. How does it stand ? Apart altogether from the Statutory Commission, could not these things be altered now ?—Yes.

191. If that could be altered who would alter ?—I think the Government of India with the sanction of the Secretary of State.

192. *Maharaja Shashi Kanta*: The present mode of franchise for landlords' constituencies is based solely on the payment of land revenue and cesses. Do you think this method of assessing the status of landlords is uniform ?—It is certainly one reasonable method of doing it, but I am afraid I do not understand the intention of the question.

193. The landlords have special representation in the council. They exercise the vote on account of the payment of land revenue and cesses which differ very much in different parts of the province. From that you could not actually judge the difference in status of a landlord from East Bengal from that of a West Bengal landlord, with regard to his territorial importance ?—No.

194. *Mr. Travers*: Mr. Hartshorn referred to the question of a labour constituency. I take it that Government would consider it unjust if it was confined to workers in factories. If you had a labour constituency you would prefer to have one which included tea garden labourers ?—I think one of the objections taken to the Bengal Government's proposal in 1920 to have a factory labour franchise was that it was enfranchising only part of the working population.

195. And the only method of obtaining the materials for a constituency would be of course to go to the employers and ask them for a roll of men who receive payments of a certain amount ?—(*Mr. Gilchrist*) : Yes, that was the proposal. The Chamber of Commerce was actually asked for an estimate.

196. My point is this. If there are to be constituencies for labourers I do not wish our tea garden labourers to be left out. * * *

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198. *Mr. Fazl-ul-Huq*: Mr. Hopkyns, you agree with me that Muhammadan females observe much stricter *purdah* than Hindu females ?—Generally speaking, yes.

199. Therefore, although Muhammadan females may be given the right to vote they would be extremely reluctant to come forward to exercise it ?—The results of the elections show that they come forward in smaller numbers.

200. That is the restricted franchise that is given to females. I am asking you to consider the case of adult franchise both for males and females. Given a vote to each adult female, is it not correct to say that Muhammadan females generally would be much less reluctant to come to the polls than Hindu females on account of their *purdah* and special system ?

201. *The Chairman*: Do you mean much more reluctant ?

Mr. Fazl-ul-Huq: Yes.—My personal opinion is that they would be, generally speaking, more reluctant.

202. *Sir Hari Singh Gour*: Do you mean, to begin with, or for all time ?

Mr. Fazl-ul-Huq: I am talking of the present conditions. You have given the figures on page 14 (Bengal Government memorandum).* If you please look at the figures given for Hindus of 20 years of age and over the males are nearly six millions and females are a little over five millions ?—Yes.

203. The proportion is as 6 to 5. Now, in the case of Muhammadans the males are a little over six millions and females are nearly six millions ?—Yes.

204. So, broadly speaking, the female voters in the constituencies in the case of both Hindus and Muhammadans would be nearly 50 per cent. of the total voters in the community ?—Yes.

205. Consider the question of expense also. Would it not be far more expensive and inconvenient for a Muhammadan voter, having regard to the strict *purdah* that Muhammadan females observe, to take a Muhammadan female voter to the polling booth than it would be for a Hindu to take a Hindu female ?—I imagine that this is the case, but you know much better than I do.

206. I am asking you to answer from personal experience as far as that can help you. You have been in Eastern Bengal for a long number of years. Now, bearing these things in mind, supposing there is a system of adult franchise, would it not be correct to say that the effective Muhammadan votes would be really half of what the number would appear on the polls by reason of the fact that no advantage can be taken of the female votes ?—I think it is very improbable that many of the Muhammadan females would come to the poll in present conditions.

207. Therefore, under a system of adult franchise Muhammadans would be very much more handicapped than the Hindu candidates ?—I also think that very few of the Hindu women would come to the poll. Probably, comparatively more Hindu women would come to the poll than Muhammadan women.

208. *The Chairman*: I am not sure whether I follow you. Are you assuming joint electorates ?

Mr. Fazl-ul-Huq: I am assuming a system of joint electorates. Therefore on this question there would be a handicap for the Muhammadan candidate as compared with a Hindu candidate in a system of adult franchise and joint electorates ?—So long as the present customs exist.

209. Now, would you suggest any method of removing such a handicap in the case of Muhammadans?

Sir Hari Singh Gour: Change your customs.

210. *Mr. Fazl-ul-Huq*: That is not my point. Take the customs as they are, the conditions as they are, without looking far into the future and trying to speculate. I have pointed out two handicaps in the case of Muhammadan candidates. Supposing adult franchise is agreed upon, can you suggest any device by which this handicap could be removed in the case of Muhammadans ?—I think it would be very difficult to make any polling arrangements which would meet this.

211. May I make a suggestion. My friend over there was suggesting that I was asking for a change of custom. Would you not think that if there are separate electorates for Muhammadans this handicap in the case of Muhammadans would be removed, because in that case a Muhammadan candidate coming forward to compete with another Muhammadan candidate would be as handicapped as his rival. Keep the Muhammadan separate from the Hindu. It does not matter what the customs are. The handicap would be the same for all Muhammadans ?—That seems to be the case.

212. *Maulvi Abul Kasem*: The qualification for a voter in rural areas is Re. 1 cess or Re. 1 union tax ?—Rs. 2 union tax.

213. Whereas in a municipal area it is only Re.1–8–0 as municipal tax ? Do you not think that in the rural areas the qualification is much higher than in the municipal areas ? A tenant who pays Re. 1 cess has to pay Rs. 32 as rent, and the persons who pay Rs. 2 as union tax are much higher in status than a man who pays Re. 1–8–0 as municipal tax, which is 20 per cent. of the annual value of his holding ?—I think that is probably the case, that is to say, that the man who is qualified in an urban

* Vol. VIII.

area may have less income than a man who is qualified in a rural area.

214. You said that there was one landless labourer for every five land-owning labourers. Do you include in the land-owning class bargadars and under-ryots ?—That raises a rather controversial point of tenancy, as to whether a bargadar is a land-holder or not. A bargadar, sir, is a person who cultivates land on condition that he hands over a share of the crop to his superior.

215. And these bargadars and under-ryots at present do not pay any cess ?—No.*

216. And therefore they are not enfranchised ?—No.*

217. Do you not think that they are entitled to the franchise more than a man who in a municipal area pays Re. 1-8-0, or any other man who has been qualified ?—It is impossible to make a general statement. A bargadar may be a considerable cultivator in some districts, such as Jessore, but elsewhere he is a very small man.

218. Sir Abdelkerim asked if it had come to your knowledge that sometimes the presiding officers put wrong marks on the voting paper ?—It has not come to my personal knowledge, but then I have not had experience of elections.

219. *Maulvi Abul Kasem* : Do you not think that coloured boxes will be more suitable ?

The Chairman (To Maulvi Abul Kasen) : May we know your experience ? Do you think yourself that it is a practical danger from your actual election experience that the returning officer marks it wrong ?

Maulvi Abul Kasem : In this case my experience is based, I cannot say on personal knowledge, but almost on personal knowledge. One voter who was taken to be illiterate but who fortunately was literate was asked by the presiding officer for whom he wanted to vote. The voter mentioned the name of the candidate, but the presiding officer put a wrong mark. The voter then caught his hand and said that he did not mean that. Then the presiding officer asked him why he said he was illiterate. He replied that he was never asked that question. This is one instance, and I have got several others also.

220. Then, about the agricultural interests. You have given a long detail of agricultural interests. Do you not think that considering the conditions in this country, the condition that agriculture is the most important factor in Bengal, that agricultural interests should have more representation in the legislature and that bargadars, under-ryots and cultivators, all, should have the franchise ?—It is difficult to devise a franchise that would enable them to be represented.

221. What about the cess qualification ?—Does your question mean whether I think that the cess qualification should be reduced ?

222. Yes ?—That again is a matter of personal opinion. Far more important to my mind than the cess qualification is the union rate qualification.

223. Yes, but union rates may not be levied. Regarding the union rate, there are not only cultivators, but banias, moneylenders, muktears, pleaders and all sorts of people who pay union rates. As there is no separate constituency for agriculturists I want to reduce the cess qualification in order to include all agriculturists in the electorate.—Then the electorate would become unwieldy, if you include all agriculturists.

224. I mean to say, bargadars who pay a certain amount of cess. I do not say adult franchise or anything of that kind, but reduce the cess qualification.—I cannot express an opinion on that.

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226. *Mr. Premchand* : On page 132, paragraph 156* (Bengal Government memorandum) you describe the experience of the 1926 elections when women took part in the elections. Do you not think that the introduction of women's franchise in India is premature ?—My personal opinion ?

227. Considering the social conditions of women in India, do you not think that women will not exercise their franchise unfettered ?—You want my personal opinion ?

228. Yes.—I think it is very difficult to devise a franchise that enables them to be represented.

229. On page 136,* paragraph 167 you give the composition of the legislative council. May I know why in the Bengal legislative council European commerce is represented by 11 members and the Indian commerce by only 4 ?—I think the reason is the comparative importance of the commercial interests.

230. European interests here are larger than the Indian ?—European commercial interests are larger.

231. *Sir Hari Singh Gour* : Mr. Hopkyns, will you kindly turn to page 110.* There I find the following statement which I will ask you to elucidate. You have said there that " The thirty-seven Muhammadan " members are divided into at least three parties ; " the divisions are on personal grounds rather than " on grounds of principle, and it is the weakness or " dissensions of the leaders which have prevented " the Muhammadans from wielding that influence in " the council which seemed open to them. Outside " the council the communal bond has proved more " effective, and in several districts the Muhammadans " have combined to secure a large preponderance on " district and local boards. The electorates for such " bodies are not communal." Would you kindly inform the Conference what is the percentage of Muhammadan representation in a general electorate for the district and local boards which is described here as in excess of the number to which they are entitled on their population basis ? Will you kindly give us the figures ?—They are available in the local self-government reports reviewing the working of the Reforms in Bengal in 1926-27.

232. *The Chairman* : Does that show how far in the absence of separate electorates in the district and local boards the Muhammadan voters will secure Muhammadan members ?—There is a statement showing the number of Muhammadan members on each district and local board and on each union committee.

233. Does that show the voting strength of the Muhammadans ?—No, sir.

234. I think I would like to see that. Could you have that circulated ? Will you let our secretariat have it ?—Yes, sir.†

235. *Sir Hari Singh Gour* : The next question I wish to ask you, Mr. Hopkyns, has reference to paragraph 128,* at page 113. I find there the following statement :—

" Ordinarily, the ministers have been successful " in securing for the reserved half of Government " the support of their adherents, so that whilst there " were ministers the reserved business has been " carried on without recourse to the Governor's " special powers. In return they were able to rely " on the votes of the official *bloc* for the support of " their own policy." And then towards the end of that paragraph we have :—" The system itself is " also largely responsible for this result. The " Governor in Council perpetuates and represents " the old form of irremovable government, and

* The witness stated subsequently that these statements are not correct. The Cess Act, 1880, in section 41 (3), provides that every cultivating ryot shall pay . . . cess . . . upon the rent payable by him. In section 4 of the Act a cultivating ryot is defined as a person cultivating land and paying rent, whether the rent is a money rent or paid in kind. All under-ryots therefore are liable to pay cess ; and such " bargadars " as are recognised as tenants, who deliver a share of the produce as rent and are not merely labourers, are also liable. The status of a bargadar, who cultivates the land of a ryot and receives a share of the crop is variable and uncertain. The number of under-ryots and bargadars who are actually enfranchised is small because their holdings are usually small.

* Vol. VIII. † *Vide* Appendices C and D, pp. 364-6.

" ministers in accepting office have been popularly " regarded as becoming for the time being a part " of that Government. This idea has been strength- " ened by the treatment of the two halves of Govern- " ment as a unified whole; the ministers have " become identified with the old bureaucratic form " of government, and instead of introducing a " popular element into the Government have come " to share its unpopularity." As I understand this paragraph, so far as your province is concerned the effect of the Reforms has been that the ministers and the Executive Councillors have turned themselves into a sort of happy family, one assisting the other, and that is one of the reasons, and of course not the sole reason, why the ministerial form of government in Bengal has become unpopular?—Yes, as stated there, viz. they were supported by the official *bloc*, and they in return gave their support to the reserved side. I think that accounts partly for the unpopularity of the ministers.

236. In that case your province has not visualised the trend of the Reforms which was to place the ministers in sole charge of the various departments and who were to receive their stimulus from the legislative councils?—The ministers are in sole charge of their departments.

237. They are, but at the same time in order to keep themselves in the saddle they would have to look to the legislative council. It is the legislative council that is responsible for telling them what they should do. There seems to have been a deliberate compact between Members and Ministers?—I would not describe it in that way. There was no deliberate compact.

238. As regards the disparity between the urban and rural areas pointed out in this book, are you able to say how far the urban voters, or the urban areas, pay a larger proportion of taxes than the rural areas? That is to say, you have pointed out here that the urban areas are in some respects five times as much represented, and, on the whole, two-and-a-half times as much represented as the rural areas. But, if you take into account the taxes paid by the urban population, would that proportion not be very much reduced?—If you mean that the taxation per head for municipal purposes is higher than the taxation per head for rural purposes, yes.

239. Now, as regards the three classes of persons who are at present represented by nomination, first the depressed classes, secondly labour, and thirdly the agricultural interests, I wish first to ask you your valuable opinion as regards the depressed classes. It has been said here that the depressed classes have been represented by nomination. Has your Government considered the practicability of giving them representation by the form of electoral colleges of the kind Sir Abdel Kerim pointed out in the case of the local council?—They have not considered the making of electoral colleges for the present.

240. Nor have they considered the creation of electoral colleges in connection with labour?—No.

241. Speaking for yourself, do you think that there is any insuperable or practical difficulty in giving the depressed classes and the labourers representation by means of electoral colleges?—We would first of all have to arrive at a definition of the term " Depressed classes."

242. Assuming that we did, I will come to that point presently, because I know that there is a difference of opinion on that subject between the census officer and Sir Michael Sadler; but assuming that we could somehow or other define the vague term " Depressed classes," and of course the labourers are well known, do you see, speaking for yourself, any practical difficulty, apart from the difficulty which we must all encounter in introducing a change with which the people are not familiar, for the introduction of the electoral principle for the representation of depressed classes and labour through the agency of electoral colleges?—It is very difficult to answer a question of that sort. The depressed classes are divided up into many different castes. How would you arrange that the minority caste in this class would get fair representation?

243. Well, so far as the depressed classes are concerned, the minority caste, we will say, will send up one delegate and the majority two delegates. That would be a matter of detail. If we give them some sort of representation by means of election and educate the general proletariat, the general masses, of the depressed classes to understand the value of the vote, we shall have made a beginning in the right direction?—At first sight it seems to me very difficult to think of any electoral colleges which would be suitable for the whole province.

244. Not for the whole province. The province will be divided up into various areas. Say, a group of two or three districts according to the number of depressed classes inhabiting there, and then take the village as a unit; in each village, say, you have got 200 or 300 members of the depressed classes; they will return, say, one delegate, and in that way you get an electoral college which will send up a good man to represent the depressed classes in the legislative council?—I see that the difficulties would be very great; but I should like to see the scheme before expressing an opinion on it.

245. As regards the labourers, do you see any practical difficulty, or insuperable difficulty, for them also to be represented through the agency of electoral colleges?—Including agricultural labour?

246. Yes?—That would be very difficult.

247. I would come to the agricultural labourers later on. I would ask you to confine your reply to industrial labourers?—Including both factory and others?

248. *Sir Hari Singh Gour*: Yes.

Lord Burnham: You mean permanent labourers?

Sir Hari Singh Gour: No labourers in India are permanent, but as much permanency as you can ensure for them in this country?

The Witness: The difficulties there are largely because of the foreign migrating population.

249. *Sir Hari Singh Gour*: You can fix some residential qualification. You have got the rule here now that no person shall be regarded as a voter unless he has been in residence for at least a period of six months before the date of the preparation of the electoral roll. We make that rule and cut out those migratory labourers who come and go. Then what is the difficulty?—(*Mr. Gilchrist*): Labour is exceedingly mixed in Calcutta. The population is mixed between Bengalis, North Biharis, South Biharis, men from the United Provinces, Oriyas, labourers from Chota-Nagpur, etc.

250. But they have one common bond that they are all labourers?—But I do not think that this common bond would be enough to get over the diversity of language and religion and locality for the purpose of an electoral college, especially as the average labourer is illiterate. The illiteracy of the labourer is really the fundamental difficulty. The general idea behind your suggestion seems to me to be that the labourer would be able to elect a member of his own class to the council——

251. *Sir Hari Singh Gour*: Yes.

The Witness (*Mr. Gilchrist*): His choice would be extraordinarily limited, and the electoral colleges would for a good number of years become a playground for interested politicians; they would not be used by people who would represent *bona fide* labour interests, but by people who want the seat for other purposes. The plan would certainly contain the element of future disturbance amongst the labouring classes.

252. I was only thinking that it might be a possible substitute to nomination which, as you know, is unpopular?—I have thought of a substitute, sir, but I have always come back to the conclusion that nomination for some time to come is the only possible method. I have thought over the idea contained in article 389 of the Treaty of Peace, which is applied to the nomination of labour delegates to the International Conferences at Geneva. The principle of

that article is this. The delegations to Geneva are composed of two official representatives chosen by Government, one representative of labour and one representative of employers. The representative of the employers and the representative of labour must according to the Treaty of Peace be chosen in agreement with the most representative Associations of employers and labour.

253. *Lord Burnham*: You know that has given rise to some trouble ?

The Witness: It has given rise to a great deal of trouble in Geneva and it would give a thousand times more trouble in Bengal, because there is no agreement whatever as to what is the most representative labour Association; even if you take the majority vote of registered trade unions it must be kept in mind that these trade unions are only nine in number. Till there is a great deal more development in the trade union movement itself, I do not see any prospect of utilising trade unions for the purpose.

254. *Sir Hari Singh Gour*: Another is co-option of labourers and members of the depressed classes for the legislative council; that is to say, election by the legislative council itself.

Rao Bahadur Rajah: Election by the majority party ?

Sir Hari Singh Gour: I do not recommend that. That is one of the substitutes that I was referring to. Then as regards my last point, namely, agricultural interests, it is stated in paragraph 176* that: "The "first class is represented in the council" (that is the landholder) " both through the general and special " constituencies, and the second and third classes " (they are the tenure-holders and the ryots) " are also " strongly represented, though cultivating ryots have " not yet appeared in person in the council." They are represented by persons other than tenure-holders, is that not so ?—(*Mr. Hopkyns*): No. We say that the cultivating ryots have not appeared " in person " in council. There are their representatives who have appeared in council, but generally speaking they are not cultivating ryots.

255. That is to say, ryots who are not cultivators ? —Yes.

256. Is there any means that you can suggest of interesting the cultivating ryots so that their real representative may be in the council ?—Do you suggest a change in the franchise ?

257. Yes, so as to ensure the representation of the cultivating ryot as such in the local council ?— The statement quoted does not mean to say that the cultivators are not represented, but merely they are not represented in person by a cultivating ryot. To bring the cultivating ryot into the council is a little difficult in the present state of their education.

258. That is a difficulty which I have not yet been able to visualise for myself. What is the difficulty ? —Merely that the man of education commands more influence than the uneducated cultivator.

259. But if you gave them separate representation like the depressed classes and the labourers, for instance, and group them together and form a constituency of their own, do you not think that a good beginning shall have been made for having the cultivating ryots represented by one of them ?— They would naturally tend to elect a person who they thought would be capable of taking part in the proceedings of the council.

APPENDIX A.

D.O. No. 91 A.R., dated the 17th January, 1929, from Mr. W. S. HOPKYNS, C.I.E., O.B.E., I.C.S., Special Reforms Officer, Bengal.

When I was giving evidence on the 14th the Chairman asked me to examine the figures in the statement on page 131 of Part I of the Bengal Report and let you know what correction ought to be made. I enclose a statement of the calculations which will show that the figures given in col. 4 of the statement are correct and, as stated by me, refer to the total male population and not only to adults. All the figures in the statement in the Report are of total population and not of adult population.

You will notice that in the statement I now send you the percentage of total non-Muhammadan males enfranchised in 1926 is 5·4 against 5 in the statement This discrepancy is due to the fact that for the statement in the Report, the figure of total male population on which the calculations were based was that for British territory in Bengal without deducting the population in Darjeeling and the Chittagong Hill Tracts. In the statement I now send you the deduction has been made. It makes only a difference of ·4 for the non-Muhammadans and makes no difference for the Muhammadans.

The figure for Europeans in the same column 4, 100, is also correct. The total number of European males of all ages according to the 1921 Census was 14,145; the number of European electors enrolled in 1926 was 14,920.

The following figures are for British Territory in Bengal, excluding Darjeeling District and the Chittagong Hill Tracts.

Total male population of all age ..	23,908,842
Total male Muhammadan population of all age	12,947,222
Total Non-Muhammadan male population of all age	10,961,620
Total Non-Muhammadan male voters in 1926	593,414

$$\frac{593,414 \times 100}{10,961,620} = 5{\cdot}4$$

Total Muhammadan male population of all age	12,947,222
Total Muhammadan male voters in 1926	522,892

$$\frac{522,892 \times 100}{12,947,222} = 4{\cdot}0$$

APPENDIX B (*vide* Q. 58, p. 355).

Note on the inequality of representation in urban and rural areas furnished by Mr. W. S. HOPKYNS, C.I.E., O.B.E., I.C.S.

The Chairman asked for an explanation of the statement in para. 169 on page 137 of Part I of the Report* that, the general standard was to be one million inhabitants or 20,000 voters for each seat, and that separate representation was not to be given to towns with a population below 100,000, estimated to give 10,000 voters.

At the end of 1918, the Government of Bengal in submitting to the Franchise Committee their proposals regarding the constitution of the Legislative Council drew up a scheme of constituencies with the general idea of giving on the average a seat to every 20,000 electors and not less than one seat to every million of the population. The correspondence and noting which led up to the proposals are more concerned with the nature of the franchise qualification than with the number of seats, but it appears that it was thought that if the Council was to be of manageable size, then not many more than 50 seats should be allotted to the " territorial " constituencies. The population being reckoned at 45,000,000 and the estimated number of voters over 1,200,000, this gave a rough average of a seat for every million inhabitants and for every 20,000 voters.

With regard to the urban constituencies, it was noted that there were only three towns with a population of over 100,000 inhabitants, Calcutta, Howrah and Dacca, and two others, practically suburbs of Calcutta, with a population between 50,000 and 100,000. A population of 100,000 was expected to

* Vol. VIII, p. 140.

* Vol. VIII.

give 10,000 voters on the average, and it was thought that a separate seat could not well be given to a smaller unit. It was also thought that the ordinary small country municipality could not be said to have any such interests, apart from the interests of the district in which they were situated, as to justify separate representation. The only notable exceptions were the riparian municipalities in the Hooghly, Howrah and 24-Parganas districts, which it was proposed to group together to form separate urban constituencies. It appears that it was the nature of certain towns and the fact that they were commercial and industrial centres with a life different from that of country towns and country areas, rather than a consideration of mere numbers, that led to the proposal to create urban constituencies; whilst the large size of the proposed rural constituencies was due to a desire not to have too large a Council. Considerations of details led to the proposed number of constituencies being increased.

The Bengal Government proposed six urban constituencies as in the footnote,* including one with a mixed constituency. The Franchise Committee however proposed 11 non-Muhammadan and 6 Muhammadan urban seats, eliminating the mixed constituency and giving the small number of Dacca Muhammadans a separate constituency. The reasons advanced for this large increase in the representation of urban areas is given in para. 12 of their report. Briefly stated the reasons were that a more liberal representation of towns was justified by their superior standard of wealth and intelligence, by the larger interest evinced in political questions and by a more extended experience of the use of the franchise.

The Bengal Government had proposed 53 rural constituencies; the Franchise Committee proposed 58.

The disparity in urban and rural representation was thus considerably increased by the proposals of the Franchise Committee.

In their despatch No. 4 of 1919 the Government of India criticised the Franchise Committee's distribution of representation between town and country, and observed that they had not dealt with the question on any uniform system. The Joint Select Committee in their comments on clause 7 remarked on the disproportionately low number of seats allotted to the rural population. This led to a re-examination of the question, and the number of rural seats was increased by eight.

Subsequently when at the instance of the Secretary of State the number of European and Anglo-Indian seats, including the special constituencies for Commerce, were reduced from 21 to 18, two non-Muhammadan rural seats were added, making the total number of non-Muhammadan members 35, Muhammadan 33, total 68, the present number.

*	Non-Muhammadan.	Muhammadan.	Mixed.
Hooghly - -	1	—	—
Howrah - -	1	—	—
Calcutta - -	2	1	—
Dacca - -	—	—	1

APPENDIX C (*vide* Q. 234, p. 361).

STATEMENT SHOWING THE NUMBERS OF ELECTED MEMBERS OF DISTRICT BOARDS IN 1923–24 AND 1926–27, DISTINGUISHING HINDUS AND MUHAMMADANS.

Name of District Board.	Board as was in existence in 1923–24.				Board as was in existence in 1926–27.			
	Year of constitution.	Total No. of elected members.	Elected Muhammadans.	Elected Hindus.	Year of constitution.	Total No. of elected members.	Elected Muhammadans.	Elected Hindus.
Burdwan	1918	9	Nil	9	1926	16	2	14
Birbhum	1918	8	1	7	1924	16	1	15
Bankura	1921	16	2	14	1925	16	1	15
Midnapur	1923	22	1	21	1926	22	1	21
Howrah	1920	12	Nil	12	1925	12	2	10
Hooghly	1923	20	2	18	1927	20	3	17
24—Parganas	1922	20	5	15	1927	20	4	16
Nadia	1922	20	3	17	1926	20	5	15
Jessore	1925	20	8	12	1928	20	19	1
Khulna	1923	16	6	10	1927	16	5	11
Murshidabad	1922	18	10	8	1926	18	9	9
Dacca	1921	22	3	19	1928	22	7	15
Faridpur	1923	20	10	10	1926	20	13	7
Bakarganj	1923	20	11	9	1927	20	15	5
Mymensingh	1923	22	17	5	1927	22	22	Nil
Chittagong	1924	20	17	3	1928	20	19	1
Noakhali	1922	16	10	6	1926	16	10	6
Tippera	1922	13	10	3	1926	20	13	7
Rajshahi	1923	18	15	3	1927	18	11	7
Dinajpur	1924	18	10	8	1927	18	14	4
Rangpur	1922	18	Election failed and appointments made by Commissioner.		1926	18	11	7
Pabna	1922	16	6	10	1925	16	9*	Nil
Bogra	1923	12	10	2	1926	12	Election failed and appointments made by Commissioner.	
		396	157	221		418	196	203

* Returned by Sirajganj Local Board only. Election by the Pabna Sadar Local Board failed, and seven members were appointed by the Commissioner.

APPENDIX D (*vide* Q. 234, p. 361).

STATEMENT SHOWING THE NUMBERS OF ELECTED MEMBERS OF LOCAL BOARDS IN 1923–24 AND 1926–27, DISTINGUISHING HINDUS AND MUHAMMADANS.

Name of Local Board.	Board as was in existence in 1923–24.				Board as was in existence in 1926–27.			
	Year of constitution.	Total No. of elected members	Elected Muhammadans.	Elected Hindus.	Year of constitution.	Total No. of elected members	Elected. Muhammadans.	Elected Hindus.
Burdwan Sadar ..	1918	10	—	10	1926	16	1	15
Asansol	1918	6	—	4*	1924	14	—	12*
Katwa	1918	6	—	6	1924	12	2	10
Kalna	1918	6	1	5	1924	12	2	10
Birbhum Sadar ..	1924	8	—	8	1928	10	3	7
Rampurhat	1924	6	1	5	1928	6	2	4
Bankura Sadar ..	1921	12	1	11	1925	12	1	11
Bishnupur	1921	8	—	8	1925	8	—	8
Midnapore Sadar ..	1922	20	—	20	1925	20	—	20
Contai	1922	16	—	16	1925	18	—	18
Tamluk	1922	16	—	16	1925	16	—	16
Ghatal	1922	14	—	14	1925	14	—	14
Jhargram	1922	10	—	10	1925	10	—	10
Hooghly Sadar ..	1923	16	1	15	1926	16	2	14
Serampore	1923	16	—	16	1926	16	1	15
Arambagh	1923	15	1	14	1926	16	3	13
Howrah Sadar ..	1920	6	—	6	1924	5	—	5
Uluberia	1920	10	—	10	1924	10	—	10
24—Parganas Sadar ..	1922	14	1	13	1926	14	2	12
Diamond Harbour ..	1922	5	1	4	1926	11	2	9†
Baraset	1922	7	4	3	1926	7	3	4
Basirhat	1922	8	1	7	1926	8	—	8
Barrackpore	1922	7	3	4	1926	7	2	5
Nadia Sadar	1921	10	1	9	1925	10	3	7
Chuadanga	1921	8	5	3	1925	8	4	4
Kushtia	1921	10	3	7	1925	10	5	5
Meherpur	1921	8	3	5	1925	8	4	4
Ranaghat	1921	8	2	6	1925	8	3	5
Murshidabad Sadar ..	1922	16	6	10	1925	16	11	5
Kandi	1922	10	2	8	1925	11	3	8
Jangipur	1922	8	4	4	1925	8	5	3
Lalbagh	1922	8	2	6	1925	8	4	4
Jesore Sadar	1923	12	6	6	1927	13	8	5
,, ,, ...	1923	10	4	6	1927	10	6	4
,, ,, ...	1923	8	4	4	1927	8	6	2
Magura	1923	8	1	7	1927	8	5	3
Jhenidan	1923	10	3	7	1927	10	9	1
Khulna Sadar ..	1923	12	2	10	1926	12	2	10
Bagerhat	1923	12	1	11	1926	12	3	9
Satkhira	1923	15	9	6	1926	15	6	9
Dacca Sadar	1921	12	—	12	1926	12	4	8
Narayanganj	1921	8	2	6	1926	8	2	6
Munshiganj	1921	6	—	6	1926	6	1	5
Manikganj	1921	7	2	5	1926	7	2	5
Mymensingh Sadar ..	1923	14	11	3	1927	14	10	4
Tangail	1923	14	8	6	1927	14	8	6
Jamalpur	1923	12	12	—	1927	12	12	—
Netrokona	1923	10	6	4	1927	10	6	4
Kishorganj	1923	12	8	4	1927	12	8	4
Faridpur Sadar ..	1923	11‡	6	5	1926	12	5	7
Goalundo	1923	9‡	3	6	1926	10	5	5
Madaripur	1923	12‡	3	9	1926	14	6	8
Gopalganj	1923	10	5	5	1926	10	6	4
Bakaiganj Sadar ..	1922	18	6	12	1927	17§	8	9
Pirojpur	1922	14	8	6	1927	13§	10	3
Patuakhali	1922	12	8	4	1927	10§	10	—
Bhola	1922	8	8	—	1927	8	8	—
Chittagong Sadar ..	1924	14	11	3	1927	14	14	—
Cox's Bazar	1924	6	6	—	1927	6	6	—
Tippera Sadar ..	1921	8‖	6	2	1925	14	13	1
Brahmanbaria ..	1921	10	6	4	1925	10	6	4
Chandpur	1921	6‖	4	2	1925	8	8	—
Noaknali Sadar ..	1922	14	9	5	1925	14	9	5
Feni	1922	18	8	—	1926	8	8	—
Rajshahi Sadar ..	1922	12	7	5	1926	12	7	5

* 2 Europeans were elected both in 1918 and 1924.
† Failure of election in Diamond Harbour in 1922 and consequent appointment under section 10 of the L.S.G. Act.
‡ 1 + 1 + 2 = 4 members were appointed owing to failure of election.
§ 3 + 1 + 2 members were appointed owing to failure of election.
‖ 3 + 2 members were appointed owing to failure of election.

APPENDIX D—*continued.*

Name of Local Board.	Board as was in existence in 1923–24.				Board as was in existence in 1926–27.			
	Year of constitution.	Total No. of elected members.	Elected Muhammadans.	Elected Hindus.	Year of constitution.	Total No. of elected members	Elected. Muhammadans.	Elected Hindus.
Naton	1922	10	8	2	1926	10	8	2
Naogaon	1922	10	6	4	1926	10	9	1
Dinajpur Sadar ..	1924	12	6	6	1928	12	9	3
Thakurgaon	1924	10	8	2	1928	10	7	3
Balughat	1924	8	3	5	1928	8	5	3
Alipur Duar				No election	system.			
Rangpur Sadar ..	1922	12	7	5	1925	12	4	8
Gaibandha	1921	8	elected 3 apptd. 2	1 2	1925	8	7	1
Kurigram	1922	8	5	3	1925	8	5	3
Nilphamari	1922	8	4	4	1925	8	4	4
West Bogra	1922	10	5	5	1925	10	4	6
East Bogra	1922	8	7	1	1925	8	8	—
Pabna Sadar	1925	12	7	5	1928	12	9	3
Sirajganj	1925	12	8	4	1928	12	12	—
Kurseong								
Kalimpong				No election	system.			
Siliguri								
		810	305	503		856	386	486

Afternoon.

Messrs. HOPKYNS and GILCHRIST—*continued.*

1. *Dr. Suhrawardy*: In paragraph 156, page 132, of the report of the working of the reformed constitution in Bengal, you say, Mr. Hopkyns, that in Calcutta and other places separate polling arrangements were made for female voters. I am putting you this question because I made a similar statement in Lucknow which subsequently I had to qualify. I am not sure whether arrangements were made for female voters in places outside Calcutta ?—(*Mr. Hopkyns*): I think the instructions given on that occasion to district officers were that they should, so far as they possibly could, provide for a separate compartment for registration of female votes.

2. Was any provision made for the appointment of female presiding and polling officers ?—I think not in the mofussil.

3. It practically comes to this, that no proper arrangement was made for female voters in the mofussil. So far as Calcutta is concerned, I can myself vouchsafe that proper arrangements were made ?—I cannot tell you whether they were or were not made in every case, but presumably the instructions were carried out as far as they could be.

* * * * * * * * *

7. *Rao Bahadur Raja*: Mr. Hopkyns, will you kindly turn to page 10,* paragraph 10? You say that the term "depressed classes" has never been defined, and then you go on to say that they are quite different from the backward classes. I agree with you there. Further on you say "There are, "nevertheless, about 30 or 40 castes which may be "held to come within the 'depressed' category." Am I to understand that you have got groups of castes that come under the category of depressed classes ?—Yes, these are castes which are shown in the census report.

8. That means you have got a list of classes, and therefore, I suppose, there is no difficulty in knowing which class is a depressed class in your province ?—In accordance with the census report, yes.

9. Your total is 11½ millions ?—Yes.

10. *The Chairman*: I have not quite followed that. Does the census give a list of castes which in the view of the authorities of the census are depressed castes ?—Yes.

11. I would like to see that.—It is on page 365 of the Bengal Census Report.

Rao Bahadur Rajah: May I also give you some more references ? The Bengal Government themselves have given the list in 1916 to the Government of India, *vide* page 1345 of the Government of India Memorandum,* with reference to the educational facilities to be given to the depressed classes in India. Again, sir, we find on page 1351 of the same memorandum the total number of these classes is given. The figure 6,742,913 corresponds exactly to the figure which you find on page 1345 of the same memorandum. This figure that was taken by Mr. Sharp in his quinquennial review of the progress of education has evidently been adopted by Sir Michael Sadler in the University Commission Report. These figures, sir, were compiled by the Education Department. On reference to page 1356 of the same memorandum you will find it stated that "Mr. Bajpai's calculations "had been compiled in the department of Education, "Health and Lands after reference to the annual "and quinquennial reports of the Directors of Public Instruction of the various provinces."

12. *The Chairman*: The last reference of Mr. Rajah refers to the answer which Mr. Bajpai gave, I think, last year in the Legislative Assembly, when the question was raised as to what would be the correct total for the whole of India. Mr. Bajpai then stated (I remember reading at the time) that he thought the figure of 60 millions which has often been used was too large, and he gave a very much smaller figure, excluding, I think, Burma and Assam and limiting himself to the other provinces, something under 30 millions. You say that was really based—was it—on the special educational facilities to be given to the depressed classes ?

Rao Bahadur Rajah: Yes, sir, that is my point Then, sir, you will find on page 1349 of the same

* Vol. VIII.

* Vol. V.

memorandum,* with reference to the figure given by the Franchise and Functions Committee, the following remarks. These classes are marked there as "Others" under the general term "Hindus": "In "the Appendix for Bengal the term 'Others' was "stated to include the castes and tribes constituting "more than 1 per mille of the total population and "classed as Hindus in the census, which are denied "access to the interior of ordinary Hindu temples "and fall within categories 7, 8, 9, or 10 at page 232, "part I, Census Report of Bengal, Bihar and Orissa "and Sikkim, with a note that these castes and tribes "are generally described as 'untouchables.'"

The Chairman: You remember, I dare say, that exactly a similar sort of explanation was offered by the Southborough Committee for the figure they gave of untouchables in other provinces, for instance, in Bihar and Orissa.

Rao Bahadur Rajah: I agree with the figure that the Bengal Government has given, namely, 11½ millions.

The Chairman: Let us just put the things together. There are various figures suggested for the depressed classes in Bengal; they differ enormously. The figure which seems to have appealed to the Southborough Committee is built up in a very odd way, and it is a figure of just under 10 millions. The figure which the census gives by adding together the members of 30 or 40 castes is the figure of 11½ millions, and the figure which has been used more than once and compiled by the Education Department is a figure of something like 6¾ millions.

Rao Bahadur Rajah: That was compiled in 1916.

Lord Burnham: The Bengal Government's figure is 11½ millions.

The Chairman: It is evident that it really depends on what castes you include.

Rao Bahadur Rajah: Those castes that have no access to an ordinary Hindu temple.

13. *Sir Hari Singh Gour*: Have Sudras access to the temple?

Rao Bahadur Rajah: Yes, they have.

Sir Hari Singh Gour: Sudras are not admitted.

Maharaja Shashi Kanta: In Bengal they are.

Rao Bahadur Rajah: In Bombay also I know they are admitted. They are admitted everywhere.

The Chairman: I see when one looks at the report (part I) with reference to Bengal of the Census of India, 1921 (page 365), it gives the list of castes, and it is stated there: "the following castes together "number about 11,250,000 and with a few smaller "castes which could be held to come under the "same category we may place the depressed classes "in Bengal at about 11½ millions." That is the figure which the Government of Bengal is prepared to adopt.

14. *Rao Bahadur Rajah*: My question is this. The total population of Bengal is about 46 millions, out of which 20 millions are Hindus?—Yes.

15. And the depressed classes, 11½ millions?—Yes.

16. So the population of the depressed classes to the whole population of Bengal is about 24 per cent.?—Yes.

17. And the population of the depressed classes to the Hindu population is about 55 per cent.?—Yes.

18. On page 140† you say: "It has been generally "admitted in the past that the depressed classes "should be represented on the council." This admission has been translated into action by your Government giving one nominated seat to the depressed classes?—Yes.

19. So at present in the Bengal legislative council there is only one nominated member belonging to the depressed classes?—Yes.

Sir Abdelkerim Ghuznavi: There are also two elected members.

20. *Rao Bahadur Rajah*: On page 141† you say: "It should be noted that the depressed classes in "Bengal are not so heavily handicapped by caste prejudice as in some other provinces, and that seven "members of council belonging to castes of the "sort usually considered as coming within the "category of 'depressed' are elected from the general "constituencies." Is it correct?—No, that is not quite correct. I had the figures checked recently. There are three members now in the council who come within the census definition of depressed classes, three elected members.

21. Can you tell me the community they belong to or their castes?—Two Chasi Kaibarttas and one Pod.

22. Will you kindly tell me the general attitude of the Legislative council towards the depressed classes?—It is stated on page 169 of the memorandum.*

Rao Bahadur Rajah: On page 141* I see it stated that the depressed classes in Bengal are not so heavily handicapped by caste prejudice as in some other provinces, and on page 169* you say, "When the "time for practical action comes, all sympathy evaporates."

23. *The Chairman*: That is a quotation?—Yes. The statement on page 141* refers to their general social condition in Bengal, whereas the statement on page 169* refers to matters coming before the council.

24. *Rao Bahadur Rajah*: The council has paid no special attention to the needs of these classes?—That is stated there, yes.

25. And it was left to the solitary nominated representative of these classes to fight the battle in the council?—Yes.

26. *The Chairman*: I am sorry I do not follow these things, fighting the battle and all that. What is the main thing which you think might have been done by the legislative council in the last ten years in the interests of the depressed classes which has not been done?—I do not think myself that much has been left undone which could have been done. The minister for Education did make an effort to improve the education of the backward classes.

The Chairman: The point is that in so far as this situation which most people deplore is concerned, it is due to the social custom or the traditions or teachings which have been passed on and is not necessarily got rid of by passing Acts of Parliament. At the same time I should think that most people would earnestly desire to see any legislation passed which would help to improve matters. Certainly I would myself like to see it. What I should like to know is what is the kind of legislative change that is to be brought on? You may say that it is right that the depressed classes should be represented by more members. I dare say it is. At the same time I do not want to leave it merely at that, that we take note of these social disabilities and record them. I want to know what kind of thing ought to be done. What do you feel about it, Mr. Rajah?

Rao Bahadur Rajah: From this report I see that the members of these classes find it very difficult to get into the Government services and also to schools?

The Witness (*Mr. Hopkyns*): Special hostels have to be provided for them.

Rao Badahur Rajah: They have also got separate schools. The problem is as acute here as in the other provinces.

The Witness (*Mr. Hopkyns*): That I would not agree at all. The general social condition is not nearly so difficult for them here as in other provinces. That is to say they are free to use roads, wells, schools, courts, public buildings and so on. There is a certain amount of restriction about wells, but it tells more on the orthodox man who objects to take water from the same well as the depressed class man than it does on the depressed class man.

27. *Mr. Cadogan*: How many separate schools are there?

Rao Bahadur Rajah: The number is not given here. But I find this passage on page 55 of the memorandum: "In localities where they are congregated

* Vol. V. † Vol. VIII.

* Vol. VIII.

" in fairly large numbers it has been the policy of " Government to establish special schools."

28. *The Chairman*: I do not want to go into educational matters at present. But still what is the main argument for special schools ? I can understand the argument if the custom is so strong that people cannot go to the ordinary schools ?—Generally speaking, they go to the same schools, though they may sometimes sit on separate benches. But there is some difficulty in some cases, in the more remote and backward districts.

29. Because if our object is to do everything we can to help to elevate these depressed people, to get rid of the barrier, you would agree that the best way of getting rid of the barrier is certainly not to treat them as a set of people quite apart. That does not get rid of the barrier. That tends to keep it ?—Yes.

30. How does it stand in Bengal ? We heard a good deal of this in other provinces.—As regards the educational question, if you provide general universal education, the depressed classes would get it equally with everybody else. It is more a question of poverty than it is of untouchability.

31. *Rao Bahadur Rajah*: Poverty brought on by untouchability ?—No.

Sir Hari Singh Gour: Poverty may be due to various causes.

32. *Rao Bahadur Rajah*: Coming back to page 11 of your memorandum,* I am very thankful to you, Mr. Hopkyns, for giving us this chart. I see from it that out of the 27 districts you have got, in Jalpaiguri, Cooch Behar and Midnapur the population of the depressed classes is 50 per cent. of the total population; in eight districts the population of the depressed classes is about 40 to 50 per cent.; in one district, from 30 to 40 per cent. and in four districts it is between 20 and 30 per cent. You said in reply to Sir Hari Singh Gour that your Government favours only nomination for these classes. Now, looking at this chart, is it not possible to form a separate electorate for the depressed classes ? I see it is very easy to form a separate electorate, and I do not think there will be any difficulty. I see these people congregate in great numbers in the south-western portion of Bengal, where they are from 40 to 50 per cent. of the total population ?

Mr. Travers: The member has just referred to the district where there are 50 per cent. depressed classes, a district from which I come. The Hindu member from that district is a member of the family who have been rulers of the people from time immemorial, and they look up to him as their Rajah, and they would rather have him as their representative than anybody else. Every Rajbansi would vote for the Raja because they regard him as their ruler, and if you had electoral colleges you would simply have him elected as he is now.

33. *Rao Badahur Rajah*: I am not speaking of the electoral colleges. I am speaking of direct elections. Again I see in the north of Bengal you have got a considerable number of depressed classes to form a separate electorate. What is the difficulty of your Government in giving them a direct electorate ? You cannot say they are scattered here and there ?—The general reasons which make it difficult to give them representation by election are that the interests of these depressed classes are those of all the poorer classes, and it is difficult to justify a franchise for the depressed class men which you do not give to the other poor men. There may not be justification, for instance, for giving a special franchise to the Hindu depressed classes and leaving out the Muhammadans.

34. The Muhammadans come under the Muhammadan electorate ?—Not if they are poor.

Rao Bahadur Rajah: You are confusing one with the other.

The Witness (Mr. Hopkyns): In Bengal it is a problem of poverty rather than of untouchability.

35. *The Chairman*: Have you got in mind, Mr. Rajah, the sort of qualification for vote which perhaps you will be disposed to suggest if there were separate constituencies for the depressed classes ?

Rao Bahadur Rajar: I think the depressed classes here can form a good electorate by themselves.

36. *The Chairman*: If you apply the present qualifications, how many of these people would be qualified ?—There are no figures available as far as I know.

37. Can you form any sort of guess ? How many members of the depressed classes do you suppose have got votes now ?—It is very difficult to say. You would find that most of the votes would go to those classes who are now on the border line. Take the difference between the census figures and the University Commission figures. There is a big caste, the Chasi Kaibarttas, over two millions of them. The University Commission did not regard them as depressed, and they have forced their way up. For instance, there is a member of the Senate of the university and there are two elected members in the legislative council who belong to this class. But they would hardly call themselves depressed classes.

Rao Bahadur Rajah: I am a member of the University of Madras, and they call me a member of the depressed classes.

The Chairman: One has to face this, that if you have a separate electorate for the depressed classes, only certain individuals will have their votes in the separate electorate. Of course they would also have a vote in the general constituency ?

Rao Bahadur Rajah: No, sir.

38. *The Chairman.*: They have to be taken out of it?

Rao Bahadur Rajah: Yes.

39. *The Chairman*: It comes to this. You will be having a separate electorate composed of certain classes of Hindu castes, and then you would have another electorate, a general electorate, which would be composed of the higher castes ? That is what you have to get ?

Rao Bahadur Rajah: Yes.

The Witness (Mr. Hopkyns): And certain of those castes would dominate the elections.

Mr. J. C. DRUMMOND, I.C.S., Secretary, Local Self-Government Department, Government of Bengal,
Mr. J. N. ROY, I.C.S., Commissioner, Burdwan Division, and
Mr. C. W. GURNER, I.C.S., District Officer, Mymensingh.

* * * * * * * * *

40. *Colonel Lane-Fox*: Mr. Drummond, will you please refer to chapter III of this book* ? I will just ask you to explain one or two points that rather defeated me. You begin by describing the growth of municipalities, and you state their size, and so on. Can you tell me actually the process by which a municipality is first formed ?—(*Mr. Drummond*): When it is considered that a certain area should be made into a municipality.

41. What is the authority to which you refer ?—The Local Government. Certain formalities have to be gone through. A preliminary notification has to be made, declaring the local government's intentions, and then it can be objected to if necessary.

42. Then we come to the district boards, which are the main administration in the rural districts, and you compare the areas, and, of course, they are very much larger than the county council areas with which you compare them in England, and you give

* Vol. VIII.

the illustration of Mymensingh, which has 6,500 square miles, and very naturally it follows that they had to delegate some of their work to local boards, and you say that the local boards have not been allowed much money or much power. Then I come to a tangle, if I may call it a tangle. It is not very clear from this book as to what follows. After mentioning local boards, the book goes on to mention union committees, which were set up and were afterwards replaced by the new union boards ?—Yes.

43. Then you mention chaukidari unions, which apparently have the same sort of area as the union boards, and incidentally you mention the panchayat, which collects the chaukidari tax in the chaukidari union, and then eventually, on page 76, I find in paragraph 76,* about the middle of the page, this sentence : " In areas in which union boards have " been established persons possessing the union " board franchise are also qualified to be electors " for local boards." Our old friend the local board is met there for the first time. Does that mean that the local board is the next body after the district board, and then that the union board is the small body, like a county council, district council and parish council ?—Yes.

44. Then what is happening meanwhile ? Are they functioning in some areas on parallel lines ? I mean, are there still chaukidari unions and union committees in some places ?—Yes, there are still chaukidari unions in, roughly speaking, about $\frac{2}{3}$rds of the rural area of Bengal.

45. Why do not you have a uniform system ?—Union boards are being established all over Bengal, but there are some parts in which they have not yet been formed, one difficulty being political opposition.

46. But they seem to have the same areas as the others. What is the difference between a union board and a chaukidari union ?—A union board has much greater powers. The chaukidari panchayat simply raises enough money to pay the village police, whereas a union board can raise money for a water supply and roads, and that sort of thing.

47. What is the difference between the union board and the union committee ? Does it also have greater power ?—The union committee has nothing to do with the village police.

48. It covers the same area, and eventually will be governed by a union board when you get the further development ?—Yes.

49. Then you come on to the Calcutta Corporation, and I gather that on the whole your Government thinks that is working successfully ; but can you tell me why there is such a very large majority of non-Muhammadan members' constituencies in the Corporation ? What is the population of Calcutta, roughly ?—It is round about a million.

50. I mean as between the two communities ?—I have got some figures here which I can give you, from the Corporation Year Book. The number of Hindus is 643,000, and of Muhammadans 209,000. There are more than three Hindus to one Muhammadan.

51. *Mr. Hartshorn* : I thought you had a total population here of about 1,200,000 ?—The total at the census of 1921 was 900,000.

52. *The Chairman* : It depends whether, for the purpose of the calculation, you are including Howrah ?—There is " judicial " Calcutta, which is the jurisdiction of the High Court ; there is " municipal " Calcutta, and there is " police " Calcutta, each a different area.

53. As far as the Calcutta Corporation is concerned, it is administering an area of some eight or nine hundred thousand people ?—Yes, 900,000.†

54. *Colonel Lane-Fox* : What is the arrangement here ? Do you have a system of a town clerk, or someone who corresponds to him, who is irremovable, and who forms an element of continuity, or what officials are there who enjoy security of office ?—The chief executive officer is only removable with the consent of Government.

55. Is that peculiar to Calcutta ?—Yes, as far as Bengal is concerned.

56. It does not occur in other municipalities ?—No.

Sir Hari Singh Gour : In Bombay they call him the municipal commissioner.

57. *Colonel Lane-Fox* : But in the other municipalities is there any definite officer who is not removable ?—No, in the other municipalities the executive is the chairman and vice-chairman, and they are elected.

58. I suppose that makes it rather difficult to have any continuity of policy ?—Yes, it may.

59. You may chop and change. In England, of course, a council is helped by having its permanent officials, who remain there and keep the machine steady ?—Yes.

60. On page 71* you tell us that the chairmen of municipalities are now nearly all elected ?—Yes.

61. What has been the effect of the change from official chairman to elected chairman ? We have heard in one or two other provinces that there has been a difficulty, that the official chairman in the past had a certain staff on whom he could rely to get information, revenue staff and so on, and, of course, that is not available to the elected chairman. Is there a difficulty in Bengal of control, and getting to know the details of all the districts in this enormous area ?—I am afraid I do not quite follow the question.

62. Perhaps I ought to say a little more about the chairmen of district boards ; but is there a difficulty in Bengal, as there is in other provinces, of a chairman of a district board not being able to tour round his district, and not being able to keep proper control ?—Yes, he has very big areas, and he is often a man with some other occupation. He cannot devote a great deal of time to it. I have got figures of the number of days spent on tour by chairmen of district boards.

The Chairman : Of course, we are not criticising the administration at all ; it is a constitutional point.

The Witness (*Mr. Drummond*) : In the year 1926–27 the average number of days spent on tour by non-official chairmen of district boards was 38 days.

63. *Colonel Lane-Fox* : Of course, his position must be a very difficult one ?—Yes.

64. I am not suggesting that he is not doing it well ; I just want to know. Of course, he cannot really get round these very large areas in the country districts ?—No.

65. But in spite of that, does the efficiency of the administration suffer ?—I think perhaps Mr. Roy might be asked that. (*Mr. Roy*) : The administration suffers in this way. The roads are not properly looked after, because as a rule the chairman is a man, probably, who is a legal gentleman with a very large practice, and the district engineer and the staff are left to themselves. In that way it does suffer. But if they had a permanent executive officer, probably things would improve.

66. Are the Government proposing to take any steps about that ?—About the executive officer ? (*Mr. Drummond*) : Not at present.

67. It is obvious that the chairman is rather in want of help. Is anything being done or being considered ?—(*Mr. Roy*) : That depends on the district boards, because some of the district boards object to it. They think it is money wasted. It is a difference of point of view, but I have no doubt that gradually probably, in time to come they will have to do it ; but it will take a little time to persuade them to take that point of view.

68. *The Chairman* : How far back has one got to go to reach the time when there were unofficial

* Vol. VIII.

† The witness subsequently stated that since 1921 three suburban municipalities with a total population of 147,240 which were formerly part of " police " Calcutta had been brought under the jurisdiction of the Corporation, thus raising the population of " municipal " Calcutta by that figure.

* Vol. VIII.

chairmen for district boards here? When did it begin?—About four or five years ago, I think. (*Mr. Drummond*): 1917.

69. That is not very long; and before that I suppose it was the Commissioner who was chairman? —No, it was the Collector, the district magistrate. He was the head of the district board, and in the course of his duties he had to tour extensively, and he did.

70. I may say that that is what we have been told in some other parts of India. It has been said, not by way of criticising anybody, but simply observing the consequences, that as long as you had an official chairman of the district board, the official chairman was giving all his time, of course, to his official work, and his other duties led him all over the district, and not only that, but he had a large number of people who were subordinated to him, revenue officers and other people, who were, as it were, his staff for the purpose?—(*Mr. Roy*): Yes.

71. And what is said, or has been said elsewhere, is that when you substitute an elected and unofficial chairman, one of the difficulties which the chairman has to face and to overcome is that he has not got a staff of that sort?—Well, he has not got a staff in that sense, in the same way as the district magistrate used to have, except that he has got his district engineer and the subordinate overseers and the subordinate engineering staff under him still; but certainly he suffers from some defect in that way. The district magistrate had not only the engineering staff under him, but also he had his other officers who could give him information about the state of the district, the state of the roads, the state of the water supply, and he was in a better position.

Lord Burnham: The facts in regard to the appointment of chairmen are stated on page 76.*

72. *Colonel Lane-Fox*: May we just turn to the question of local taxation, especially in towns? I see on page 72* the book describes the latrine tax, the water rate and the lighting rate as the three main taxes. Can you tell me if these taxes are fully and completely collected?—(*Mr. Drummond*): No, I am afraid they are not.

73. Is there much difficulty about that?—I find that the amount of arrears of municipal tax increased from about 5¼ lakhs in 1919-20 to about 15¾ lakhs in 1927-28. It is about three times more than it was ten years ago.

74. Then what is the Government thinking of doing about that?—Government scold them. There is not very much else they can do.

75. They have no power of surcharge?—No.

76. Has it not become almost necessary now that something of that sort should be done?—Well, they have such a system, I understand, in Bihar and Orissa, and also in Madras. The question of having it in Bengal is under consideration also.

77. However, nothing at present is being contemplated to put that very difficult position in order?—Nothing has been decided; no definite decision has been taken yet.

78. Is public opinion improving in this respect? Are people being educated to realise that if they do not pay their taxes somebody else has to pay them for them?—(*Mr. Roy*): It is not that. The whole difficulty is that these chairmen and vice-chairmen are elected men, and they think if they take stringent measures to realise the taxes they will become very unpopular and will not be re-elected. That is the whole trouble. If we could get over that difficulty there would be no difficulty in realising the taxes.

79. Is there any likelihood of that improving?—It will take a little time.

80. *The Chairman*: Is it improving?—I cannot say that it is.

81. *Colonel Lane-Fox*: Anyhow, nothing is being done, even though the situation is getting worse?—(*Mr. Drummond*): Nothing at the moment.

82. *Mr. Hartshorn*: From what page did you read those figures just now?—They are not in the printed chapter.

83. *Colonel Lane-Fox*: There is one paragraph here which I do not quite understand. At the top of page 79* I see you say "In England there are a "number of special authorities to which important "functions such as the maintenance of highways, "education, sanitation and poor relief are entrusted," and you go on to say that does not happen in Bengal and therefore the results are not so good. I do not know what that means, because there are no "special "authorities" in England; the county council administers the highways and education, the district councils sanitation and poor relief, and so on. There is no special authority beyond the ordinary elected authority, so that I do not see what comparison you are trying to make?—In Scotland, for instance, there is a special education authority, and the parish councils look after poor relief.

Colonel Lane-Fox: I am afraid I do not know very much about Scotland.

84. *The Chairman*: * * * Mr. Gurner, at present do you consider there is any effective control or supervision or inspection exercised from departmental headquarters on local administrative bodies?—(*Mr. Gurner*): There is no control or supervision exercised direct from headquarters. Such control and inspection as there is would be in two ways: on the one hand, in general matters the commissioner and the magistrate have powers of control and inspection, which are not much employed.

85. Which are not much employed?—They are practically unemployed. (*Mr. Drummond*): It depends on the district. (*Mr. Gurner*): To a certain extent. On the other hand, there are departmental spheres, such as education, public health and public works, for each of which there does exist a departmental controlling authority, which does to a certain extent exercise its functions. For instance, the inspector of schools passes the budget of the district board in matters affecting education; similarly, the superintending engineer passes the budget for roads and buildings, and the Public Health department through their local inspector give very material assistance in case of epidemics and similar emergencies; and the whole trend seems to me to be to increase the departmental responsibility in control.

86. *Colonel Lane-Fox*: On page 75* you speak of the rather lax view shown of embezzlement. Have there been many cases in which Government have had to supersede any of these local bodies for maladministration?—(*Mr. Drummond*): There were two instances ten years ago, when two municipalities were superseded for a short time. None has been superseded since.

87. You speak of the inefficiency of the audit. Is all that sort of thing improving, or is it also, like the collection of taxes, getting worse?—I do not think it is getting any better.

88. And again, nothing has been done about that?—No.

89. No greater powers have been taken by the local Government?—No, not at the moment.

90. *Lord Burnham*: I read with some sadness of spirit, as you may imagine, the confession in the Government brown book of the failures of local self-government in this province, and I should like to ask one or two questions as to the abandonment of control by the Government over the actions of local bodies. I see (page 69*) that even in regard to the Corporation of Calcutta you enumerate—I will not do it—many different ways in which the Government might have dealt with alleged mistakes and failures in the administration of the affairs of this city, but you say that in practice the control exercised by Government since the Act of 1923 came into force has been slight. I understand by that that Government have been unwilling to exercise the supervision which they have even now, according to this statement, I suppose on the principle that the corporation

here must learn wisdom by its mistakes. Is that so ?—One might say in a way that outside Calcutta it has always been the custom for the district magistrate and the commissioner to supervise the proceedings of local bodies, even when they have not been actually chairmen themselves ; but there is no corresponding authority in Calcutta who goes round and finds how things are going on and reports to Government for action to be taken.

91. But you enumerate yourselves, in paragraph 64,* respects in which action could be taken, and then you say the control as a matter of fact has been slight. I suppose there is an ordinary meaning to be attached to those words. If you want to know what I am thinking of, I am thinking particularly of the charge that " fear of unpopularity causes a reluctance to " take coercive measures against defaulters and other " offenders." That seems rather a strong charge against a very big local authority ?—Yes. We have difficulty in getting at the facts, for one thing. You will notice what is said about audit in paragraph 65.*

92. Yes. I do not want to press you if you do not want to give an opinion ?—The point is that an audit report reaches Government, but obviously action cannot be taken on it until we have had the reply of the corporation to what the auditor says. We never get those replies.

Lord Burnham : I do not know of any other Government (there may be some) who would be satisfied with not getting a reply from subordinate bodies. I did not know if there was any other reason. I do not want to press you in the least, because you state your case quite clearly.

The Chairman : I think the sentence you read, Lord Burnham, at the bottom of page 68,* beginning " The fear of unpopularity," is really putting one of two views about which, it is stated, opinions naturally differ. It begins " Its critics allege," and then the next paragraph says " Whatever foundations there " may be for these criticisms, there is much to be said " on the other side." As you read the sentence it rather looked as though it was the conclusion stated by the Government.

93. *Lord Burnham* : Yes, but that is the criticism, and we have just had it from the witness that they cannot get replies. (To the Witness) : You have just said the difficulty is you cannot get replies to the questions you put ?—Yes. I have got some actual figures here of the arrears.

94. *The Chairman* : I was just going to ask for that. In one or two provinces we have been provided with a book which has given us those quite specifically, which has set out over a series of years what has been the extent of the arrears. One province went further and explained who were some of the people who had not paid up. We have not got that here. What are your figures ?—The arrears of taxes in Calcutta in 1923–24 were Rs. 2,89,000 odd and in 1927–28 Rs. 7,29,000 odd.

95. What were they in 1914 ?—I could not say ; I have not got the figures.†

96. What one wants to see is what the position is over a series of years ?†—I have taken the last year of the old regime and the last year for which we have figures under the new regime. There is a more or less progressive increase in between ; the figure for last year was not a freak figure.

97. *Lord Burnham* : What I want to find out is this. Is it the case that you cannot get information in answer to your queries on these points ? You say you cannot get answers giving you the information you seek. That is so, is it ?—Yes.‡

98. *Mr. Hartshorn* : Could you give us figures to indicate what were the figures prior to the Reforms over a number of years ?—So far as the Calcutta Corporation goes, the Reforms were introduced in 1924. I have given the figure for the last year before the new system came into operation.

99. *Lord Burnham* : I dare say there is a reason ; it is very unpleasant for anybody to have to pay local cess ; on page 75* (dealing with the same subject, the only subject with which I am going to deal) you say " The " comparative inefficiency of municipalities in Bengal " must be partly attributed to the lack of sufficient " control by outside authorities." I gather that the Bengal Government still has power to take action against municipalities, and if you do not exercise your powers it is on the principle that you had better let them proceed by way of what is called trial and error ?—Yes.

100. Is that so ?—Yes, but I think this lack of sufficient control refers really to control by surcharge.

101. You do not quite state that, do you ?—No, but I think that was the intention.

102. You do not exercise the power of surcharge ? —No.

103. It is not very popular in its exercise anywhere, but it has been found very effective. Then passing to the district boards (pages 78 and 79, and practically page 79*) you deal with the change from the official to the non-official chairmen, which you say has had both advantages and disadvantages, and about the middle of the page you enumerate authorities who can criticise and advise. You go on to say " but no authority has effective power to enforce " action." Will you tell me what that means, because I thought you could deal with offending authorities ; I thought you could supersede them ?—There are powers, but again there is not that power of surcharge.

104. You mean surcharge against individual members ?—Yes. Mr. Gurner has a statement of the powers that Government officers have over district boards, in case the Conference would like to hear it.

105. I should be glad to hear it, because as far as I am concerned, in going through India I have been astounded to find how little these powers of control been have exercised ?—(*Mr. Gurner*) : That is the position in Bengal. It is astonishing to find what powers over district boards do exist in theory and in the Act. I can summarise them as follows : Government may annul any proceeding of a district board not in conformity with the law or rules ; the magistrate or commissioner may suspend any resolution likely to cause injury or annoyance. Those are the two negative powers. The positive powers are that the commissioner may appoint a person to do any work in which the district board default, and finally that the magistrate may provide for the execution of work in case of emergency. Those are the powers under the Act. So far as I know, they are not very frequently put into force, and a new difficulty which would arise since the Reforms is that the magistrate would find it very difficult to carry out work in which the district board had defaulted because of the financial difficulty ; he would have no budget provision for it ; he would have to inquire first where the money would come from, and so on. It would be almost unworkable.

106. That is a very serious thing to say. Do you mean to say these provisions were put in without there being any real power to carry many of them out ? —The cost can be recovered from the district board, but there would be a jerk ; it would be a difficult procedure to start working. I think that would be admitted, and it is not very frequently, if ever, employed.

107. As a matter of fact, have these powers been employed in any case of which you know ?—In no case in my district, within my recollection.

108. Then it is not too much—I do not want to put it too highly—to say that these powers have

* Vol. VIII.

† *Vide* Appendix, pp. 375–6.

‡ The witness subsequently stated that the Chief Executive Officer and other Corporation officials are extremely courteous in their dealings with Government and always do their best to comply promptly with requisitions. The failure to furnish replies is in connection with audit notes only. The point is not that Corporation officials ignore letters from Government, but that the machine is so cumbrous that it takes months to arrive at decisions on ordinary matters and years to deal completely with an auditor's report.

* Vol. VIII.

hitherto been a dead letter ?—I should say that is so in my own district. I could not speak outside it.

109. Can we hear any other opinion in general about it ?—(*Mr. Gurner*) : We are speaking of district boards only ?

110. Yes. I had passed from municipalities to district boards. If that is so, if no supervision has been effectively exercised, it is not too much to say that local self-government has hardly had a fair chance in this province ?—Might I correct on one point. A certain amount of supervision of public works is in fact exercised by the superintending engineer in the Public Works department. He checks the budget and he can send it back, and occasionally has sent it back, for revision.

111. *The Chairman* : That is a technical matter. It is evident that the system here is rather unlike, in some respects, our local self-government system in England. In England the minister for Local Self-Government, Mr. Neville Chamberlain at present, and his department at head-quarters, his secretaries (it might be Mr. Drummond) with all his staff are constantly engaged in taking practical steps to secure that local bodies keep up to the scratch. What I should like to know, not, of course, criticising any individual minister, is it or is it not the fact in Bengal that the minister for Local Self-Government, whoever he may be, and his department in Calcutta are constantly engaged in effectively keeping district bodies up to the scratch, and if so what do they do ? —(*Mr. Drummond*) : Every now and then Government have to set aside an order of a district board as being illegal ; and as regards seeing that district boards execute certain works, that is done partly by a grant-in-aid payment, by giving them grants in aid for doing certain duties and, of course, the way in which they do that work is inspected, and it has to be done properly.

112. *Lord Burnham* : When grants-in-aid are given, what means are taken to see that the money so allocated is properly spent ?—The work is inspected by Government agency.

113. And no more money is given unless the Government is satisfied ; is that it ?—Yes.

114. *The Chairman* : Have there been a large number of instances during the last four or five years when a grant of money having been offered, a grant-in-aid, if the work is properly done, that the money has been refused on the ground that it has been found that the work has not been properly done, or has the money always been paid ?—I do not remember any actual instance.

The Chairman : That may mean, of course, that the work has always been most admirably done.

Lord Burnham : On the other hand, of course, this report which we have in our hands would seem to suggest other possibilities.

The Witness (Mr. Drummond) : For instance, grants are given amounting to half the salary of a health officer, if a properly qualified health officer is employed. Now and then, of course, a district board or a municipality takes on a man who has not the proper qualifications. Then that grant is refused.

115. *Major Attlee* : Your district boards, I gather, in so far as they are elected, are indirectly elected by the local boards, and I gather also from the general report that a local board is a rather moribund body ? —It is not very active.

116. You seem to have had rather a series of experiments with your smaller units ; you have had union committees, chaukidari unions and local boards, and now union boards. It is the union board which appears to be the coming thing ?—Yes.

117. Is that tending to oust the local board at all, or does the local board still carry on ?—It does tend to oust the local board, yes.

118. Is it not unfortunate that the basis of the district board election should be on the local board ? Has it ever been thought to base the election on the union board ? If you have a body that apparently no one takes an interest in ?—That is one of the things that has been considered of late years, but I would like to remind the Commission that we have not had a stable ministry since 1923. No minister has been able to sit down and work out these things.

119. I would like to ask Mr. Gurner a question or two about Mymensingh. That is a place with a population about equal to that of Scotland, I notice ? —(*Mr. Gurner*) : I do not know the population of Scotland, but the population of Mymensingh is just about five millions now.

The Chairman : It is bigger than Scotland.

120. *Major Attlee* : There you have an elected chairman of district board ?—That is so.

121. He has to get round that ; he is supposed to travel around and know it ?—There is no question of his going round it ; he does not tour very much in practice.

122. I notice that the total cost of administration is 11½ lakhs of rupees. That does not seem very much to rule Scotland with. Could you tell me what the staff is ?—Generally speaking he has on the one hand the district engineer, and on the other a district health officer. The district engineer has 16 or 17 subordinates, and the district health officer has a number of sanitary inspectors, not quite so many, I think. Parallel, of course, with that is his own office of clerks, which consists of from 50 to 60 clerks, as far as I remember. That is the general nature of the staff with which he is working.

123. He has not any highly remunerated, highly trained officer like a town clerk or a clerk to a county council ?—The district engineer is a fairly highly paid officer.

124. Those are the technical officers ; I am meaning a local government officer ?—No, there is no officer corresponding to the town clerk.

125. May I ask whether that is the same with regard to all district boards ? Is there no district board that has a skilled paid official of the nature of the clerk of a county council, or anything of that sort ?—(*Mr. Drummond*) : No, none. Under the law, they could not delegate any powers to him if they had one.

126. *The Chairman* : Under the terms of the Act, you mean ?—Yes.

Major Attlee : That would not matter ; he could obey their orders. It is the executive officer that is the thing.

127. *The Chairman* : Have you got in your Bengal Act what exists in one of the other provincial Acts, a provision by which the district board is empowered, and apparently is expected, to delegate some of its functions to committees of its own body ?—Yes.

128. If you want a road repaired, that you should employ, in effect, a certain number of your own members as a committee to do it ?—I do not think there is any power like that. There is a statutory education committee and a statutory sanitation committee, of every district board.

129. What I mean is this. Supposing it is decided that a road at a particular corner of some district has to be repaired, the work has to be carried out ; how is it done ?

Khan Bahadur Faroqui : It is done by public works committees.

130. *The Chairman* : Are those committees formed of members of the committees themselves ?

Khan Bahadur Faroqui : They are formed of members elected, and then they do the work as contractors.

131. *Colonel Lane-Fox* : How does a committee get there to control the work and supervise it in an area of that size ?

Khan Bahadur Faroqui : Generally they are supervised through their district engineer, or occasionally two or three members go round the district, when it is possible ; but generally, in many districts, it is very difficult to reach the end of the district.

132. *Sir Abdelkerim Ghuznavi* : It is said on page 69* of the book that " Corruption has been freely asserted " to be prevalent in some departments." You did not tell us, has the working of the Calcutta Corporation entailed a good deal of corruption ?—It is said

* Vol. VIII.

here, "Corruption has been freely asserted to be prevalent in some departments."

133. What I ask you is, has the working of the administration entailed corruption?—I am afraid I could not answer that question.

134. I will put it to you differently. Is it as efficient now as it was formerly, the working of the Calcutta Corporation?—There are actual facts to show that it is not so efficient. There is a much larger volume of arrears of taxation, and there is the delay in dealing with audit reports. We have certainly some information that leads one to say that the Corporation, in some ways at least, is not so efficient as it was.

135. Will you tell us whether politics play a large part in the affairs of the Calcutta Corporation? —Well, I think this chapter shows that they have played a certain part.

The Chairman: That is so in many parts of the world, you know.

136. *Sir Abdelkerim Ghuznavi*: Do not you think district boards suffer for want of funds?—Yes.

137. And very much so?—Yes.

138. Do not you think that something should be done in order to help them to provide an up-to-date medical school, hospitals, and so on, in every district? At present it is left to local enterprise, and when sufficient money is collected Government propose to help, but do you think they are in a position really to look after the public health?—Not with their present incomes, no.

139. Lord Burnham was asking just now how far the local Government can enforce action. I will give an example. Supposing a member of Government happens to be on tour, and finds a road in a certain district in a very shocking condition, is there any means how he can get the district board to remedy this state of affairs, that is to say, how can that be done?—He can take action under one of the sections of the Local Self-Government Act.

140. Has any such action been taken?—When a district board has made default in performing a duty imposed upon it, the commissioner can enforce its being carried out.

141. *The Chairman*: Does it happen?—No, sir, not often.

142. *Sir Abdelkerim Ghuznavi*: Mr. Gurner, what is your opinion of the effect of the Reforms on the general administration of the district? Do you think the general work of administration has improved, or do you think there is a chance of its improving? What is your general idea of the effect of the Reforms on the administration?—(*Mr. Gurner*): I am afraid that is rather too large a question. It is so difficult to know exactly which features are due to the Reforms.

143. Take, for instance, one side of it. Formerly it was said that we had official chairmen of district boards. Then the official chairman incidentally toured over the district, and therefore he knew a good deal about it, and he could initiate proposals for the improvement of the roads, and things of that kind. Well, do you think that having regard to this one example I have cited, the efficiency of the administration of the district has gone down?—I think I would say, limiting myself entirely to the question of roads and the district I know, that the tendency is to pay less attention to roads now than in the old days, but there are various reasons for that, of course.

144. *Khan Bahadur Faroqui*: Do not you think more constructive work has been done by non-official chairmen than by official chairmen?—"Constructive work" is rather a vague phrase. (*Mr. Drummond*): I think non-official chairmen have constructed more dispensaries and fewer roads.

145. Have not they embarked on more big schemes, for which you generally make a special mention in the administrative report? Of the twenty-five non-official chairmen, how many are mentioned every year in the report for meritorious work and good administration?—Quite a large proportion of the whole are mentioned every year for their good work, and I am sure they deserve it.

146. Could you tell us the exact proportion?—I should have to look it up. I think about two-thirds.

147. Do not you think in view of the keen interest taken by members of district boards who represent the thanas and villages that it is not so necessary now for the non-official chairmen to go on tour, because they can get first-hand information from the member representing the locality and who takes a keen interest?—Even the members represent a very large area. It may not be easy for a member to get to know all about the circumstances of his constituency.

148. But the chairman has other sources of information as well?—Yes, he can get information from sub-divisional officers, from circle officers, from his own members, from local board members and union board members. There are many people who can give him the information.

149. Do not you think non-official chairmen pay more attention to public health in rural areas than to roads? The official chairmen paid greater attention to road repairs than the non-official chairmen; the latter pay more attention to public health?—All I can do is to quote the figures in this chapter.

150. The budget of the district board goes *via* the district magistrate and the divisional commissioner to Government for approval, and they often suggest alterations and so on?—Under the law the budget requires the approval of the divisional commissioner, but the commissioner has been told he is not to alter the budget except to see that certain necessary conditions are fulfilled, such as having an adequate closing balance.

151. *The Chairman*: Where does that order come from?—From the pre-reform Government, I think.

152. The idea being, apparently, that the local body should as far as possible manage its own affairs without interference from the centre?—Yes.

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153. *Maharaja Shashi Kanta*: Are there many instances in which any serious trouble has arisen in the conduct of business in union boards through trouble between the members on the score of religion or caste?—(*Mr. Roy*): Not that I know of.

154. *Mr. Travers*: It is a fact, I think, that alterations to the local government system have been attempted by the Government of Bengal, but refused by the council; is not that so?—(*Mr. Drummond*): If you refer to the Bengal Municipal Bill the answer is yes.

155. I take it from what you say in this report that there is a great deal of interest taken and a great deal of disinterested work done by chairmen, vice-chairmen and members of district boards as it is?—Yes.

156. I also take it that the system as a nucleus (as one might call it) is not wrong; what is required is expansion, with real control and more finance?—Yes.

157. *Maulvi Abul Kasem*: You said that in the case of municipalities arrears are allowed to remain and are not collected, and Mr. Roy has said the difficulty is that the chairman and vice-chairman are elected?—(*Mr. Roy*): And being local men.

158. Yes. They cannot afford to offend their constituents by taking harsh measures. Is not it a fact that the members of the corporations in the case of many municipalities, and rich and influential people, are the ones who do not pay the taxes, and the taxes are realised from the poorer population?—(*Mr. Drummond*): There are instances where well-to-do men do not pay their taxes. One or two municipal commissioners have been among the defaulters.

159. You have municipalities, district boards and local boards, and we are told that union boards are coming. Will I be right if I say the union boards in rural areas as now constituted are doing much more useful work, and doing it more efficiently, than

municipalities and district boards which have to administer large areas ?—That is too large a question : I am afraid I cannot answer that. Some union boards do very good work, and some do not do any work at all ; there is very great difference between them. It is very difficult to generalise about union boards.

160. You mentioned that two municipalities were suspended ?—Yes.

161. One of those was the municipality of Burdwan ?—Yes.

162. Is it not a fact that immediately after it was suspended some high officials under the municipality were prosecuted for defalcation and cheating, and convicted ?—I am afraid I have not that information. I will take it from you if you say it is correct.

163. Is not it a fact that the district engineer of Burdwan, a highly-paid officer, was found guilty of defalcation and also of cheating the district board to the tune of about Rs. 90,000 and he was dismissed but not prosecuted ?—Yes.

Maulvi Abul Kasem : The question of prosecution was raised in the district board, but they refused to prosecute him because he was influentially connected.

The Chairman : The details of a particular case we need not go into.

164. *Maulvi Abul Kasem* : Is not it a fact that the control over the subordinate officers of district boards and municipalities is very lax in these days ? —(*Mr. Roy*) : Control by the chairman ?

Maulvi Abul Kasem : Yes. I take it from what Mr. Roy said that those chairmen or vice-chairmen who are hard on their officers or on the tax-payers become very unpopular and lose their chance of re-election.

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165. *Sir Hari Singh Gour* : You have spoken of the arrears of the Calcutta Corporation, and you gave two figures, one of about Rs. 2 lakhs and the other of about Rs. 7 lakhs. Will you please tell the Conference the income of the Calcutta Corporation for those two years, and the percentage of arrears in those two years. What is the first year ?—(*Mr. Drummond*) : 1923/24.

166. What was the figure for that year ?—For the first year I gave the demand was Rs. 1,31,00,000 and for the other year Rs. 1,78,00,000. The figures for remissions were Rs. 4½ lakhs and Rs. 7 lakhs respectively.

167. Consequently there had been an increase of taxation to the extent of Rs. 53,00,000 ?—Rs. 47,00,000. Arrears in the first year were Rs. 2,89,000 and in the second year Rs. 7,29,000.

168. *Colonel Lane-Fox* : What do you mean by remissions ?—When taxes are written off as irrecoverable.

169. Is that freely done ?—It is done rather too freely in the municipalities outside Calcutta, and possibly in Calcutta too.

170. *Sir Hari Singh Gour* : Having given those figures, it comes to this, does not it, that between the two years there has been an increase of municipal taxation to the extent of Rs. 47 lakhs ?—Yes.

171. What is the percentage of arrears for the two years ?—I have not worked out the percentages.

172. I will put the question differently. Was not the additional Rs. 5 lakhs of arrears due to the fact that there had been an additional demand of Rs. 47 lakhs ?—If your proportion of arrears is a constant proportion, then of course with an increasing demand you get increased arrears.

173. That is it ?—Yes.

174. As regards the Calcutta Corporation, you have given the criticisms on page 68.* I understand the view of your Government is (page 69*), " The difficult period of transition from a wide official " control to the complete control of elected repre- " sentatives has passed without disaster, and there " is no apparent demand for a return to the former " constitution. Mr. Das and Mr. Sen Gupta both " presided over meetings with fairness and dignity. " Councillors in general show no lack of interest in " civic affairs and give up much time to attendance " at Corporation and committee meetings. There " is great keenness on medical and public health " work, and the zeal for free primary education is " shown by the large number of new schools which " have been started during the last few years." Do not you consider all these facts point to a considerable development in the useful activities of the Calcutta Corporation ?—That is a question of opinion. The facts are there, so far as we know them.

175. As regards the mofussil municipalities, you quoted the Local Self-Government Act ?—May I interrupt ? If you want figures about expenditure on medical and public health work and new schools I can give them.

176. I should like very much to have them ?—In 1923/24 the expenditure on public health work was Rs. 42,000 ; it has risen in this year's budget to Rs. 3,63,000. Medical (grants to hospitals and so on) has risen from Rs. 2,10,000 to Rs. 3,75,000, and primary education from Rs. 38,000 to Rs. 6,26,000.

177. *The Chairman* : How far are these amounts drawn from the Central Government ?—(*Mr. Drummond*) : I do not think any of them are. They are all the Corporation's own income. There may be some of the educational money.

178. In substance it is the Corporation's money ? —Yes.

179. *Sir Hari Singh Gour* : And there have been more roads also ?—I have not got any accurate information about roads. The Improvement Trust has been making a good many new roads, and the Corporation takes them over when they are ready.

180. The Corporation takes over these roads and maintains them ?—Yes.

181. In other words, the Calcutta Improvement Trust works in conjunction with the Corporation?—Yes.

182. Now, as regards the mofussil municipalities and district councils, you have read to the Conference a clause from the Local Self-Government Act which gives the Commissioner power to compel the municipality or the district council to perform an act which it was its duty to perform but which it has failed to perform. This power, you said, has been sparingly exercised, in fact, never exercised at all. I do not find from this book that any reference is made to it ; if there is any reference, I have not come across it. Do you know whether this power has been exercised during, say, the last three years ? —I do not think it has been during the last three years.

183. Is it because the Commissioner is anxious not to interfere with the self-governing institutions or because there has been no serious occasion for the exercise of this power ?—I should think partly one and partly the other. After all, the district magistrate can go and talk to the Chairman or members of the district board. Though he is not compelled to interfere formally he may talk to them and get them to do what is reasonable.

184. Do I take it that the power as a rule has not been exercised because there was no serious departure from the ordinary standard of efficiency on the part of the municipalities and district boards concerned ?—There have been some serious cases in regard to district boards, but they could not be dealt with under this section. For instance there was one district board which persisted in employing a district engineer who did not possess the prescribed qualifications. But this particular section could not be invoked in order to deal with that situation. So it was dealt with in another way.

185. It was dealt with ?—Yes.

186. And effectively dealt with ?—Yes. For one thing, Government refused to sanction the re-election of the chairman in whose time this abuse had been allowed to go on. He had to go and somebody else was put in his place.

* Vol. VIII.

187. Now, do you think that since the transfer in 1917 of the offices of chairmen and vice-chairmen to non-official agency the members of the district councils, the district boards and the local boards have taken more interest in the administration of their local bodies than they used to do before ?—That is the view the Bengal Government have formed.

188. Formerly regarding, as they did, the district boards as a department of the State over which the Collector presided they did not have the same interest, nor did they make the same personal sacrifices as they do now when they regard them as purely self-governing institutions ?—(*Mr. Roy*) : Yes.

189. *Sardar Shivdev Singh Uberoi* : May I know whether these local bodies are wholly elected bodies, or are there some nominated members on them ? —(*Mr. Drummond*) : Generally speaking, two-thirds elected and one-third nominated.

190. And the nominations are made by the local Government on the recommendation of the Collector and the Commissioner ?—Yes.

191. And is the constitution based on separate communal representation or on general electorates for all communities ?—General electorates.

192. *The Chairman* : Except in the Calcutta Corporation ?—Yes.

193. *Sardar Shivdev Singh Uberoi* : And you think that the general electorates for municipal committees and district boards have worked well since the Act was in force ?—It is not in my brief, sir. There is nothing in my brief about that.

194. What is your opinion ?—My personal opinion ?

195. Yes ?—I think sometimes they have failed to give a minority the proportion of members to which it is entitled by virtue of its numbers and voting strength.

196. Has that minority in the locality complained of it ?—That shortage of representation can be redressed by appointment, and that is done.

197. *Dr. Suhrawardy* : You said in reply to Sir Hari Singh Gour that the Improvement Trust made new roads and the Corporation maintained them ?—The Corporation takes them over.

198. Can you kindly enlighten me further ? I think the Improvement Trust made the roads and the Corporation merely changed the names ?—The Corporation do give roads new names.

Sir Hari Singh Gour : Sir, with reference to the question I put to the Special Officer about the statement on page 110 (Bengal Government memorandum*) that " Outside the council the communal " bond has proved more effective, and in several " districts the Muhammadans have combined to " secure a large preponderance on district and local " boards. The electorates for such bodies are not communal," I suppose these gentlemen will be able to answer that question.

The Chairman : Yes, certainly, do put the question.

199. *Sir Hari Singh Gour* : Will you please look at page 110.* The passage in connection with which I wish to put a question is this. " The thirty-seven " Muhammadan members are divided into at least " three parties, the divisions are on personal grounds " rather than on grounds of principle, and it is " the weakness or dissensions of the leaders which " have prevented the Muhammadans from wielding " that influence in the council which seemed open " to them. Outside the council the communal " bond has proved more effective, and in several " districts the Muhammadans have combined to " secure a large preponderance on district and local " boards. The electorates for such bodies are not " communal." Now, could you kindly give us the exact facts and figures illustrating this point the Muhammadans having combined to secure a large preponderance on district and local boards ? * * * —I cannot give the actual facts, but I know in several districts in Eastern Bengal no Hindu or almost none was returned at the local board elections. Those are districts in which Muhammadans are in a large majority in the villages, outside the towns. Mr. Gurner might be able to speak about Mymensingh. (*Mr. Gurner*) : The facts running in my mind relate to the last election. On local boards the Muhammadans were in preponderance and every elected member to the district board belonged to that community.

200. They swept the boards in your district ?—Yes, to the best of my recollection.

201. And in the other district boards and local bodies where the Muhammadans preponderate they put in a large number of members of their own community.—(*Mr. Drummond*) : That happened, I think, at Chittagong, among other districts.

202. What I really want is a sort of tabular statement giving us the precise facts and figures. I asked the Reforms officer to prepare a statement, which he has been kind enough to promise to do. I thought perhaps you might have the information handy.—I am afraid I have not got the figures here now.

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Mr. Fazl-ul-Huq : I should like to put a question after I have got certain more figures. For instance, I want to know what is the total number of local board members elected, and how many are Muhammadans and how many Hindus. My idea is that in one or two districts the Muhammadans have succeeded, but there are 27 districts in Bengal. So we cannot generalise from the success of Muhammadans in one district and make a general statement for the province as a whole.

206. *The Chairman* : Will it be possible, Mr. Drummond, to have returns covering the 27 districts ?—Yes, sir.*

207. Will it be possible to give us in your return the total number of elected members on the local boards in each of the 27 districts ?—Yes.*

208. And then we shall want to know in relation to each of these district boards how many are Hindu members and how many are Muhammadan members. —Yes.*

209. And then we shall want to know in the best way you can give us how in each district it is believed that the electorate is distributed between the Muhammadan voters and the Hindu voters. That is more difficult, but I dare say the figures can be given.—Yes.*

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APPENDIX (*vide* Q. 95, p. 371).

Copy of Demi-official No. 550 M., dated the 8th February, 1929, from Mr. J. G. DRUMMOND, I.C.S., Secretary to the Government of Bengal, Local Self-Government Department.

In continuation of my demi-official letter No. 443 L.S.G., of 2nd February, 1929, I send herewith two statements, one showing the demand, collection, etc., of the Calcutta Corporation for the years 1923–24 to 1927–28, and the other showing the arrears of municipal taxes of mofussil municipalities in Bengal for the years 1919–20 and 1920–21 as well as for 1926–27 and 1927–28.

The former statement also embodies figures for the Calcutta Corporation for the years 1914–15

* Vol. VIII.

* *Vide* Appendices C and D, pp. 364–366.

STATEMENT SHOWING THE DEMAND, COLLECTION, ETC., OF THE CALCUTTA CORPORATION.

Year.	Demand.	Collection.	Remission.	Arrear.
1	2	3	4	5
	Rs.	Rs.	Rs.	Rs.
1914–15	81,86,831	76,87,458	4,12,716	86,657
1923–24	1,31,09,654	1,23,64,462	4,55,800	2,89,392
1924–25	1,47,81,371	1,38,19,081	5,41,682	4,20,607
1925–26	1,52,72,055	1,40,83,110	7,06,938	5,82,007
1926–27	1,68,70,286	1,55,65,107	7,48,269	5,56,910
1927–28	1,78,06,422	1,63,71,687	7,04,980	7,29,755

OUTSTANDING BALANCE OF MUNICIPAL TAXES of mofussil municipalities during 1919–20, 1920–21, 1926–27, and 1927–28 :—

1919–20 - 5,20,270
1920–21 - 6,31,328
} Number of municipalities - 112 (excluding figures for Cossipur-Chitpur, Maniktala and Garden Reach, which have since been included in Calcutta.

1926–27 - 15,12,130
1927–28 - 15,71,815
} Number of municipalities - 112 (excluding figures for three new municipalities of Rajbari, Bhola and Gaibandha).

TOTAL DEMANDS during these years are :—

1919–20 - 51,47,712
1920–21 - 54,33,372
} Number of municipalities - 112 (excluding figures for Cossipur-Chitpur, Maniktala and Garden Reach).

1926–27 - 79,87,346
1927–28 - 81,54,951
} Number of municipalities - 112 (excluding figures for three new municipalities of Rajbari, Bhola and Gaibandha).

CALCUTTA.

Dated, 18th January, 1929.

Morning.

PRESENT :

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE AND OF THE BENGAL PROVINCIAL COMMITTEE.

Mr. A. E. O'SULLIVAN, Inspector-General of Police, Bengal, and Sir CHARLES A. TEGART, C.I.E., M.V.O., Commissioner of Police, Calcutta.

1. *Mr. Hartshorn*: I think, Mr. O'Sullivan, you are the Inspector-General of Police for Bengal ?—(*Mr. O'Sullivan*) : Yes.

2. What is the length of your service ?—I have had over 33 years' service.

3. Has the whole of it been in Bengal ?—The greater part of it in Bengal, but a portion in Assam, and a small portion in Bihar and Orissa—Bihar, as it was in those days.

4. How long have you occupied your present position ?—Since April, 1927.

5. I think you are responsible for police administration outside Calcutta ?—Yes.

6. Am I correct in assuming that you have no supervision over the police in Calcutta ?—No, I have nothing to do with the police in Calcutta.

7. I would just like to know what is the strength of the staff under you. I suppose you have a certain number of Deputy Inspectors-General ?—Six Deputy Inspectors-General.

8. I suppose those would be all European, would they ?—All the Deputy Inspectors-General are Europeans.

9. And superintendents ?—45 superintendents. Of those, 34 are Europeans, three Anglo-Indians, and six Indians; and there are two vacancies. The 45 represents the sanctioned strength.

10. How many assistant superintendents have you ?—Sanctioned altogether 52. There are 46 actually, of whom 32 are Europeans, 2 Anglo-Indians, and 12 Indians.

11. Have you any deputy superintendents ?—28 are sanctioned; we have actually got 27, of whom 2 are Europeans, 1 Anglo-Indian, and 24 Indians.

12. What is the total strength of the force under your command ?—The actual total on the 1st October was 24,638 of all ranks.

13. What is the position about your inspectors and sub-inspectors ?—Taking inspectors, of 258 actual inspectors, 31 are Europeans and Anglo-Indians.

14. That is sub-inspectors and inspectors ?—No, inspectors alone. Of the sub-inspectors they are all Indians.

15. And they total how many ?—The actual strength is 1,727.

16. And your sergeants ?—The 49 sergeants we have got are all Europeans and Anglo-Indians.

17. From what you have said, I conclude that apart from about 100 of these officers, the whole force is composed of Indians or Anglo-Indians ?—Yes.

18. Sir Charles Tegart, I think you are the Commissioner of Police for Calcutta ?—(*Sir Charles Tegart*) : Yes.

19. And you are responsible for the police administration in that area ?—Yes.

20. What is your length of service ?—I have 26 years' service.

21. How long have you been in your present position ?—Since 1923.

22. How many officers have you, and of what grades are they ?—I have seven deputy commissioners, 10 assistant commissioners, 63 inspectors, 113 sub-inspectors, 215 sergeants, and 4,570 constables.

23. So that the total force is roughly 5,000 ?—It is 5,600. I have assistant sub-inspectors and head constables also.

24. Are any of the deputy commissioners Indian ?—One is.

25. Six Europeans and one Indian ?—Yes.

26. And as regards the assistant commissioners, what is the position ?—Of the assistant commissioners, six are Indians and four are Europeans or Anglo-Indians.

27. So that taking the whole of the presidency, the position is roughly this, is it not, that you have a total force of about 30,000 ?—Yes.

28. And apart from some 150 or 200 of the posts in the force being filled by Europeans, the whole thing is staffed by Indians ?—Yes ; that is excluding the European sergeants in Calcutta. We have 215 of them.

29. Apart from that, there are just about 150 officers for the whole province who are Europeans ? —Yes.

30. What do you find to be the position from the standpoint of public opinion ? Is it favourable to the police ? Are the police popular with the public, or are they unpopular, or what do you find the position to be ?—I think the police are certainly not nearly as unpopular as one might be led to believe by reading the comments in the press and from the platform on them. People in Calcutta, I think, to a very great extent rely on the police, and we always have objections if there is any proposal to decrease the police in any particular area.

31. You get objections from the public ?—Yes, if there are any proposals to decrease the police in any particular area, and I also get requests from the public to provide police in certain areas which they think are insufficiently staffed.

32. I suppose the police are subject, like the Simon Commission, to adverse criticism on occasion ? —Yes.

33. But the general impression is that the public are not averse to the police, and generally it would be incorrect to say they are very unpopular ?—So far as Calcutta is concerned it would not be correct to say they are unpopular.

34. We have had it suggested to us in other provinces that such adverse criticism as is offered against the police is largely due to the fact that they are regarded as being the bulwark of an alien power. Do you think that sentiment prevails here at all ?—Yes, I think there is a great deal in that. The police are attacked on political grounds as being the arm of the alien Government.

35. What is the attitude of the provincial council when supplies are required for maintaining the efficiency of the police ? Do you get supported in the council all right ?—No.

36. What is the kind of difficulty you are faced with there ?—I think I can say that any demand put forward for increased supplies on behalf of the police is received in a hostile manner in the Council.

37. Have you actually had any demands for increased finance for maintaining the efficiency of the police which have been turned down ?—Yes, we have had several of them. The last one occurred during the Monsoon meeting of the council, I think, in August, when a demand was put forward for an increase in the pay of constables and sergeants, both in the Bengal police and in the Calcutta police, and it was turned down by the council, but was afterwards certified by His Excellency.

38. So that you actually got what you required not by the good will of the council but by the authority of the Governor's certification ?—That is so.

39. I would just like to ask a question about the transfer of the police. I should like to know, both from Mr. O'Sullivan and from you, Sir Charles, what your views are on the question of transferring the police to a minister responsible to the legislative council. What do you think of the suggestion that such a transfer should take place ?—In present circumstances it would be impossible.

40. Why do you say it would be impossible ?—I think if such a transfer were made, and the police were placed under a minister who held office at the vote of the legislature, intrigues would be set up within the force itself which would undermine the discipline of the force.

41. What exactly do you mean, Sir Charles, by saying that intrigues would be set up ? —Attempts would be made to interfere with the discipline of the force as regards appointments, transfers, promotions and punishments.

42. You mean political pressure would be brought to bear ?—Yes.

43. Upon the minister ?—Yes.

44. Do you mean through outside pressure, or through pressure in the council ?—Both.

45. Then I gather from what you say that you do not favour the transfer of the police to the control of an elected minister responsible to the council ?—No.

46. I should like to know, Mr. O'Sullivan, whether you share the views expressed by Sir Charles Tegart on this subject ?—(*Mr. O'Sullivan*) : In every way.

47. So we may take it that as far as you represent the province, all except the city, and Sir Charles are representing the city, agree that it is undesirable at the present time to transfer the police to a responsible minister ?—I quite agree with all Sir Charles Tegart has said.

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48. *The Chairman* : * * * To what extent has police action of a specially strenuous kind been necessary in recent years to deal with what are called communal outbreaks ?—Very many such occasions have arisen. I have here a list of all the disturbances that might be attributed to communal causes worked out for several years, and of recent years such trouble seems to have been largely on the increase.

49. I do not suggest the Conference should this morning go into the cause of it ; I merely wanted the fact ?—It has increased of recent years.

50. One notices, of course, that as things are, although the number of Europeans in the total service is small the Europeans are largely concentrated in the superior posts. In your experience, is there anything in the attempt to prevent or to curb communal outbreaks which makes the employment of Europeans important ?—Within my experience, in most cases where serious communal trouble has arisen both sides have generally put in a request for European officers.

51. Both sides ?—Yes, as a rule.

52. One perhaps can guess, but I had better put the question to get your answer. What is the ground for that ?—I can only conjecture.

53. Well, what is the conjecture ?—That they think there will be more impartiality displayed by an officer who does not belong to either of the contending communities.

54. When that kind of request is put forward—and you say it has very often been put forward by both sides—do the police authorities on certain occasions endeavour to comply with it ?—No, we have not done so, because we have not been able to ; and I do not know that we should have done so even if we had been able to.

55. You say you do not know if you would have complied with it even if you had been able to. Perhaps you will tell us why that would be ?—When an officer in the position, say, of superintendent of police of a district is trusted by Government in that responsible position, I do not think that merely at the request of possible contending parties in a dispute he should be superseded by another officer, if there is no convincing reason to show that he is not impartial.

56. One has always to distinguish between the two things, which are very different : one is the impartiality in fact of the official, and the other is the way it is regarded by sections of the public ?—Yes.

57. That leads me to put to you this question. There is, unfortunately, or there has been, a great deal of communal feeling exhibited in this part of India. Do you consider inside the ranks of the police force communal feeling has any influence at all, or do you think your rank and file can be trusted to do their duty without any regard to whether the trouble is a Hindu or a Muhammadan trouble ?—Up

to now I am glad to say the police have been extraordinarily loyal in all these troubles and have shown no communal feeling in dealing with them, in my experience.

58. You see, Sir Charles, the sort of questions I have been putting. Is there anything you would like to say on the same subject ?—(*Sir Charles Tegart*) : As far as Calcutta is concerned, communal troubles have imposed a very severe strain on the police. We now have to escort every procession with large numbers of police, whereas before these communal troubles we sent merely one or two police, and that from a purely traffic point of view. In Calcutta during the riots of 1926 continual requests were made, as Mr. O'Sullivan has said as regards the mofussil, for European police to deal with the situation, and as a result the force of European sergeants in Calcutta was increased by thirty-three and a third per cent. in order to help in meeting these demands. As regards the loyalty of the force itself, I think their loyalty has been remarkable. We have constables doing, from a sense of duty, things which I imagine must be repugnant to them, such as Muhammadan constables escorting Hindu processions playing music in front of mosques, and Brahmin constables escorting cows to be sacrificed ; but I have never had any example of failure to do their duty on either side.

59. That indicates a very high standard of discipline and loyalty ?—Yes.

60. When you say in the city of Calcutta, in order to meet these constant requests for European police in times of communal trouble, you increased the force of European sergeants by thirty-three and a third per cent., has the result been that in the city of Calcutta you have on occasions complied with the request to send European police ?—Yes.

61. *Lord Burnham* : With regard to the staffing of the police force in this province, do you think in the future the proportion of Europeans and Indians in the higher ranks, which of course according to the Lee Commission's report is to be 50 per cent. of each, will be sufficient from the point of view of your efficiency ?—(*Mr. O'Sullivan*) : It is very difficult to answer that question, because we are just at the beginning of Indianisation. Such officers as we have recruited since the time of the Lee Commission are all very junior ; we have not had an opportunity of trying them thoroughly. Such Indian officers as have been promoted to the Indian Police from the provincial branch of the service are men who have risen, probably, from the rank of sub-inspector or inspector, and who had proved their worth before being promoted. Many of them have turned out extraordinarily good officers ; others, perhaps, have not been quite so good ; but it is very difficult to say how the present type, recruited since the Lee Commission's recommendations, will show up in time of difficulty ; the experiment has not proceeded long enough for anyone to be able to give a considered opinion on it.

62. Replying to Mr. Hartshorn, you said you were opposed to the transfer of the Police, of Law and Order, to a responsible minister. Did you have in mind when giving that reply that the police service would thereby become provincialised, which is, of course, another word in effect for Indianised ?—No. What was in my mind when I answered that question was the police service as it exists now. I did not really consider the question of provincialisation ; I was thinking of it as it exists now, with the ultimate 50–50 ratio of Indians and Europeans.

63. The All-India police force would come to an end if the service was provincialised by transfer ?—I presume so.

64. How would you view that ?—I think it would lead to very serious deterioration in the police if in each province it became merely a provincial unit, without the bond of an Imperial service at the head of it.

65. *The Chairman* : Mr. Hartshorn and I have been looking at the figures of the higher posts, and how at present they are held between Europeans and Indians. Can you conveniently tell us how many of these posts you spoke of are posts which are affected by the recommendations of the Lee Commission ?—Yes.

66. It will include, of course, your own post —the Inspector-Generalship ?—Yes, and six Deputy Inspectors-General. There is a slight difference between the actual figures and the sanctioned figures ; I will give you the actual figures ; one Inspector-General, six deputy Inspectors-General, forty-three superintendents, and forty-six assistant superintendents.

67. Those are what you may call the Lee Commission positions ?—Yes. Those are the members of the Imperial service.

68. Those are the things which, according to the Lee Commission, should work out by a particular date to the relation of 50–50 ?—Yes.

69. Of those, we know about the Inspector-General and the Deputy Inspectors-General, but of the forty-three superintendents I think you said that at present eight were Indians ?—Including Anglo-Indians, there are nine.

70. And of the forty-six assistant superintendents ?—Fourteen are Anglo-Indians and Indians.

71. *Colonel Lane-Fox* : On page 195 of the Government memorandum,* speaking of the recommendations of the Lee Commission, it is stated : " In the " remaining All-India Services Indianisation is pro- " ceeding on the lines recommended by the Lee " Commission, but difficulties are anticipated in " connection with the Indianisation of the Indian " Police owing to the smallness of the provincial " service from which selection is to be made." What does that mean ? Is your provincial service smaller than that in other provinces ?—It is.

72. Why is that ?—There are certain minor charges that are held to a certain extent by assistant superintendents who belong to the Imperial service and by deputy superintendents who belong to the provincial service. These minor charges were reduced by the Government of Bengal a few years ago, with the result that the number of deputy superintendents, members of the provincial service, has had to be correspondingly reduced.

73. Of course, your main reason for disliking the idea of transfer which has been referred to is the existence of communal trouble at the present time. I take it that if that could be removed (which is perhaps too much to hope for for a long time to come) your principal objection to transfer would disappear accordingly ?—One objection would disappear.

74. *Mr. Cadogan* : Granted that the transfer of the police to a minister would be attended by the serious risks you suggest, would you be prepared to admit that it would have this merit, that the attitude of the council might change favourably towards the police, and there would be no difficulty in getting the council to vote the supplies necessary for maintaining the police up to the regular standards of numbers and efficiency ? Would it change the attitude of the council ?—I am not altogether convinced that it would entirely change the attitude of the council.

75. Could you give your reasons ?—I do not quite know how to describe it, but I think there is a feeling against the police which it would take many years to eradicate.

76. It is ingrained ?—I do not think that merely through the transfer of the police portfolio to a minister they would come round so soon.

77. *Major Attlee* : We have asked in previous provinces, and I should like to ask here, about corruption in the police. To what extent do you think corruption obtains in the police force here ? —Unfortunately, I am afraid corruption in its widest sense does exist in the lower ranks, but I think in the upper ranks of the police it is unknown, and I think in the investigating classes (that is, the ranks of inspector and sub-inspector) it is not nearly so

* Vol. VIII.

great as is popularly supposed. I think the standard of the police has improved enormously in recent years; I do not think corruption is nearly so great as it is popularly supposed to be.

78. How far do you think popular prejudice against the police is due to petty exaction and petty tyranny on the part of the police—I mean the lower-paid members of the force?—In rural Bengal I do not think the police are unpopular—not amongst the general body of the people.

79. What would you say about that, Sir Charles, as regards Calcutta?—(*Sir Charles Tegart*): I do not think, as far as the petty exactions are concerned, that the public are very much surprised at it or very much worry about it, because it is by no means confined to the police; it extends to every department of government service, and also to the commercial world for people in similar positions.

80. Where do you recruit your police for this province—in the province or outside?—(*Mr. O'Sullivan*): A large number of them are recruited from outside the province, a certain number within Bengal. The majority of our constables come from outside Bengal.

81. From where—Bihar?—Bihar and the United Provinces, some from the Punjab. We have a certain number of Gurkhas.

82. What about the investigation side?—That is practically entirely recruited in Bengal.

83. How does Bengal stand with regard to violent crime generally, as compared with other provinces? What sort of figures do you have of true cases of murder, for instance, in a year?—I am afraid I could not answer that question straight off.

84. I think it might be useful—we have had them in other provinces—to have the figures for this province?—I will let you have a note about it, certainly.

85. *The Chairman*: We hear a phrase in India about "true cognisable crime?"—Yes.

86. That is to say, excluding the charges which are unfounded, manufactured; those cases where there is real reason to believe a crime was really committed?—Yes.

87. They are not all cases where you can prosecute, but you are sure there has been, say, a murder. What we should like to know, if you can give us the information, is in comparative form for a few years what have been the serious crimes, such as murder, riot, dacoity, and that sort of thing.—I will have a statement* prepared and let you have it to-day.

88. *Major Attlee*: Broadly speaking, would you say that the people are fairly law-abiding in the up-country parts of Bengal?—That Bengal is more law-abiding than other parts; I would not say that.

89. Do the police get supported by the general population in the performance of their duties or not?—To a very, very slight extent, almost a negligible extent.

90. *The Chairman*: Would you answer that last question, Sir Charles? In Calcutta itself there must necessarily be many cases where in a street a crime is committed, possibly a violent crime. What is your general experience: does the public, the men who live here, do they help to stop the criminal, or do they let him run away?—(*Sir Charles Tegart*): We have had some very glaring cases where they have made no attempts to stop the criminal. On the whole, I think co-operation between the public and the police is steadily on the increase, and we are getting more help to-day from the public than we got fifteen years ago, say; but we have still got a long way to go.

91. *Lord Strathcona*: I would like to ask the Inspector-General a question first of all. On page 127 of the Bengal Government's Report† there is a passage, which I will read to you, under the heading of "Difficulties due to plural control," in which it is pointed out that owing to the Village Self-Government Act of 1919 difficulty has arisen in this way:—"The chaukidar or village police formerly worked "under the direction of the local police and the "control of the magistrate. In union board areas "the Act has placed them under the control both "of the police and magistrate and of the union "board, the departmental control thus being divided "between the Police and Local Self-Government "departments." Then these are the passages which I would like you to explain a little more: "The "Inspector-General of Police has expressed great "concern at the result of these changes, the chaukidar "now being, in his opinion, of little use to the regular "force as a source of information." Could you tell us a little more about that? What do you mean by "source of information," and, generally, what is your criticism?—(*Mr. O'Sullivan*): Well, the chaukidar is supposed to assist the regular police in his village, but now, when he is placed under this Local Self-Government Act, he has got many other duties which are put upon him by the president of the union, and therefore he comes to regard himself in many districts as very largely the servant of the union board, and very, very slightly the servant of the police or the magistracy.

92. And you think this has seriously affected the value of the chaukidar as a force?—I think it has.

93. Now I would like to ask Sir Charles Tegart a couple of questions. Am I right in thinking that from time to time recently, owing to industrial unrest, more particularly, I have been told, in the jute districts, difficult situations have arisen which have thrown a great strain upon the police. I am right in thinking that?—(*Sir Charles Tegart*): Yes.

94. Would you care to tell us, or would you be able to tell us, how far these situations have been what we would call at home in the nature of an ordinary trade dispute, or how far they have taken the form of a revolutionary movement? I will put it in this way: have most of these disputes been *bona fide* trade disputes, or have most of these disputes been made an excuse for dangerous propaganda?—I think there have been some entirely genuine labour disputes, but there have been a larger number of disputes engineered by communist agitators.

95. As you have used the word "communist agitators," are you able to tell us how far that is a movement which has been imported into this country from outside, or how far it is a natural movement within?—I think one can say that it has been nearly entirely imported into this country.

96. *Sir Abdelkerim Ghuznavi*: I should like to ask Mr. Sullivan a question. You have just told us the number of Indians employed in the police force. You said there were six superintendents. How many Muslims are there among these six Indians?

97. *The Chairman*: I do not think it is six superintendents, is it?—(*Mr. O'Sullivan*): Nine Indian superintendents, Indians and Anglo-Indians.

98. *Sir Abdelkerim Ghuznavi*: How many of them are Muslims?—Two.

99. Two out of nine?—Yes.

100. Then similarly among the assistant superintendents, how many are Muslims?—Five out of 14.

101. And deputy superintendents?—Seven out of 28.

102. And inspectors?—32 out of 258.

103. Sub-inspectors?—657 out of 1,727.

104. Could you give us roughly the percentage of Muslim officers of the police?—I could work it out. What ranks?

105. Indian officers of the police?—What ranks would you include under the term "officer"?

106. From sub-inspectors up to superintendents. If you cannot do it now, kindly supply us with that information.—I will do so.*

107. I should like to ask Sir Charles Tegart the same questions. You told us that there are seven deputy-commissioners of police. How many Muslims?—(*Sir Charles Tegart*): None.

* Appendix A, p. 385. † Vol. VIII.

* Appendix B, p. 385.

108. As regards assistant commissioners of police ?—One in ten ; ten altogether, and one Muslim ; one Muslim and four Hindus.

109. Inspectors ?—Five Muslims out of a total of 63.

110. Sub-inspectors ?—21 out of a total of 113.

111. Assistant sub-inspectors ?—44 out of 150.

112. Constables ?—Constables, I have only got 48 in a force of 4,570.

113. Have you got the percentage of Muslims in your service in the Calcutta police, or if not, perhaps you would give us that information later on ?—Yes, I have the percentage here.—Oh, I beg your pardon ; my figures for constables are wrong. It is 48 Bengali constables, and 916 up-country Muslims ; so the total is 964.

114. Out of a force of 4,570 ?—Yes. The percentage works out at 74 per cent. Hindu and 23 per cent. Muslim, which is almost exactly the percentage in the population of Calcutta.

115. *The Chairman* : That last figure is a very interesting one. Out of the 74 per cent. Hindu, there is only about 1 per cent. supplied by Bengalis ?—That is so. Our recruits to the rank of constable come almost entirely from up-country.

116. *Sir Abdelkerim Ghuznavi* : Would you give us the exact percentage of Bengali, Muslim and Hindu in the whole force ?—That is the figure for the whole force—74 per cent. Hindu and 23 per cent. Muslim.

117. You are opposed to the transfer of Law and Order to a popular minister, and you said that it would lead to intrigues in the force itself. Are there no other grounds ?—If one were to set down and enumerate them all, I should think there would be other grounds. We were asked to enumerate the main grounds.

118. I should like to have some more. That is not enough ?—In my opinion the council so far have not shown a proper sense of responsibility in dealing with police demands that have come before them. While that is so, one would naturally hesitate to put the police entirely under the vote of the council.

119. Are there any other important reasons against it ?—I would say that, and the communal trouble, and what I would describe as attempts to interfere with the discipline of the force are certainly the three main objections which I would have to it. But apart from the question of police demands the council have not considered cases in which the action taken by the police has come in review before them, entirely on the merits of the case.

120. You told us a few minutes ago that inside the ranks of the police you did not think there was much communal feeling. Were you here during the Calcutta riots of 1926 ?—No.

121. Are you conversant with what happened at that time ?—In so far as it has come before me since.

122. Have you discovered that during the period of those riots in Calcutta police officers were constantly charged with taking sides one way or the other ?—Yes, I know that.

123. Could you supply the Conference with the number of instances of that kind which occurred during the Calcutta riots of 1926 ?—I could not do so off-hand.

124. Could you let us have the figures later ?—You mean of all the complaints made against the police during the riots ?

125. Yes, on the score of bias ?—On the score of taking sides ? Yes, I can supply that.

The Chairman : I am not sure I follow the question. Perhaps you can make it plain to me, Sir Abdelkerim ?

Sir Abdelkerim Ghuznavi : Sir Charles said that inside the ranks of the police there was not much communalism.

The Chairman : He said that in answer to a question which I put, and of course I put it as carefully as I could. What he told me was he thought the discipline of the police was such, and their loyalty to order and duty was such, that in discharging their duty they did not allow communal feeling to sway them.

Sir Abdelkerim Ghuznavi : That is exactly the point I am trying to make out.

126. *The Chairman* : I do not follow what that has to do with a series of charges, which may be of the wildest kind, against British officers.

Sir Abdelkerim Ghuznavi : I did not say British officers. I was asking whether it was a fact or not that in the course of the last Calcutta riots the police officers displayed bias and communal feelings in the discharge of their duties, and whether charges were not levelled against them and in certain instances brought home to them, so that the general assertion that the police are always loyal and do not allow themselves to be biased by communal feeling is not altogether correct.

127. *The Chairman* : I misheard you ; I thought you said charges were made against British officers.

Sir Abdelkerim Ghuznavi : No.

Dr. Suhrawardy : No ; we wanted British officers during the riots.

Lord Burnham : May I ask that we should have the replies as well as the charges ?

128. *The Chairman* : Is it possible, Sir Charles, in any reasonable shape to give us some information about this ? No doubt it does bear on the point raised. It does not, of course, prove that there was any truth whatever in the charges, but it is interesting to see even under the present regime how far, when there were communal disturbances, charges of bias were made against the police ?—Yes. Large numbers of charges were made. I have here the report submitted by Mr. Armstrong on the Calcutta riots of 1926.

129. There was a report ?—Yes. This was the second phase of them. Perhaps I may read the following : " Allegations against the police. The " unbridled criticism of the police which marked the " first phase of the riots was repeated in the second " phase, and in almost every instance the charges " proved to be equally baseless."

130. *Sir Abdelkerim Ghuznavi* : Was there any instance where the charge was driven home ?—That I would have to ask time to examine.

131. Is it a fact that in pursuance of such a supposition, or whatever it may have been, a certain police officer was superseded and another officer posted in his place in the Calcutta riots of 1926—a deputy commissioner ?—The deputy commissioner, North Town, was replaced by a European officer, but I think on the ground that he did not take sufficient action at the beginning to nip the disturbances in the bud.

132. Was that a Hindu police officer ?—Yes.

133. I should like to ask you, Mr. O'Sullivan, about corruption in the police. We have been told, for instance, in Bihar and Orissa that 99 per cent. of the constables, 75 per cent. of the head constables, and 50 per cent. of the sub-inspectors in Bihar are corrupt. Could you give us an idea of the extent of corruption in the Bengal police ?—(*Mr. O'Sullivan*) : I could not possibly give you any idea on that subject at all.

134. You admit there is some corruption ?—Yes, the same as there is in the lower ranks of every department.

135. What remedy do you suggest ? Can you suggest a remedy ?—I think corruption is getting less every year, and I do not think you can improve on the present methods.

136. What was the pay of a police sub-inspector or inspector, say, in 1913 ?—I think it was then Rs. 50 to Rs. 100.

137. Was not it Rs. 30 for sub-inspectors ?—It may have been Rs. 30 to Rs. 80, perhaps ; I do not know whether the revised scale had come in then. It was either Rs. 30 to Rs. 80, or Rs. 50 to Rs. 100.

138. I myself moved in the matter in the old council to try to improve their pay and prospects. We discovered that with their small pay it was hardly fair

to ask them to be above temptation. What is the scale of pay now for inspectors and sub-inspectors ?—For sub-inspectors, Rs. 80 to Rs. 130.

139. And for inspectors ?—Rs. 175 to Rs. 300.

140. We often hear that in the old days, when inspectors were underpaid and when they were not drawn from the ranks of graduates and so on, in cases in the mofussil where corruption occurred they used to be satisfied with a small amount. I am talking about sub-inspectors and people of that kind. Now it is said when they get higher pay and are drawn from graduates, in cases of the same kind they are not satisfied with a small amount; they want a larger amount; the scale has gone up in proportion to their pay. Is there anything in that ?—It is easy to make an assertion like that but difficult to disprove it. I do not think it correctly represents the degree of corruption in the force by any means.

141. Would you rely on competition alone in the appointment of police officers, or would you add selection to it ?—Of what rank ?

142. The higher ranks; say for deputy superintendents or inspectors or even sub-inspectors ?—For the higher ranks the present system is one of selection, and then competition after selection.

143. Is it occasionally the case that without carefully going into the evidence officers in the police are summarily dealt with by supervising officers, and where the head of the police is a conscientious officer such decisions are sometimes reversed ?—Decisions certainly are reversed, yes.

144. Chaukidars have been mentioned. Is it a fact that all the information required regarding various matters is generally supplied by the chaukidar, and this information goes up and until it reaches the head of the Government; in other words, information is generally based on what comes from the chaukidar himself, or is that information checked ?—I do not admit that for a single moment.

145. *Mr. Travers*: One or two questions about administration. Your unit is the thana, is not it ?—Yes.

146. Roughly, what is the area with which the police-station thana has to deal up country ?—The Police Commission laid it down at 150 square miles, but in Bengal it is frequently more than that.

147. To deal with that area, roughly what force have you got ?—That depends on the amount of crime reported from that area. The standard laid down for the scale of investigating officers is one hundred investigations per annum per investigating officer.

148. In a thana you have an inspector or sub-inspector ?—A sub-inspector, one or two assistant sub-inspectors and (varying with the size of the thana) sixteen to eighteen constables, according to the importance and amount of work done there.

149. Considering the amount of police work nowadays, do you think more thanas are required now, and a larger force ?—As a result of the Retrenchment Committee in Bengal in 1922–23 we abolished several police stations in Bengal. We are now regretting that and would like to re-establish them.

150. When you abolished those thanas, did it meet with the approval or the disapproval of the inhabitants ?—In every case there were objections by the local people.

151. With that unit as it is, is it possible for you to do much in the way of actual preventive measures against crime, or are you limited to the punishment of crime ?—We do take preventive action so far as is possible, but with a bigger staff, of course, our power to do so would be enormously increased.

152. Do you think that considering the very much larger amount of work that your officers in a district now have to do, the number of officers is sufficient ?—I do not think it is.

153. I should like to ask Sir Charles that question too. Do you think that taking the present size and present-day conditions of Calcutta you have a sufficient number of officers ?—(*Sir Charles Tegart*): Not in the suburban areas.

154. You would like the numbers increased ?—Our strength in the suburban areas is practically the same as it was before these areas were developed by the Calcutta Improvement Trust.

155. And in regard to the men ?—Their numbers have remained practically stationary.

156. Have you enough men for efficiency, or do they have too much work to do ?—I think they have too much to do, especially since the advent of communal troubles.

157. Do you think, with your considerable knowledge of your position, that it would be possible to appoint either a Hindu or a Muhammadan as Commissioner of Police for Calcutta ? Do you think such an officer would have the confidence of the public ?—That I cannot say.

158. So long as the communal situation remains as it is, I mean ?—I cannot say how far he would have the confidence of the public, but I think it is obvious he would start with an initial handicap, in that his impartiality would be inclined to be suspected.

159. *Mr. Travers*: In regard to the transfer of Law and Order, Mr. O'Sullivan, if there were a Hindu or a Muslim minister in charge of the department, do you think that the other community would have the same confidence in the police that they have now ?—(*Mr. O'Sullivan*): For the reason just given by Sir Charles, I think the minister's impartiality would be liable to be suspected.

Sir Charles Tegart: May I just check again, sir, the figures of the Muhammadans, because I think in some instances I notice they were wrong. The exact figures are: Out of 10 assistant commissioners there is one Muhammadan;

Out of	63	inspectors	there are	7 Muhammadans;
,,	113	sub-inspectors	,, 26	,,
,,	150	assistant sub-inspectors	,, 47	,,
,,	380	head constables	,, 111	,,
,,	4,570	constables	,, 964	,,

160. *Maharaja Shashi Kanta*: Your attention has undoubtedly been drawn by the newspapers to the large number of offences against women in Bengal. Have you issued any special instructions to the police force requiring stricter investigation into these cases ?—(*Mr. O'Sullivan*): No special instructions have been issued. I myself have looked into such cases as Deputy Inspector-General and as Superintendent of police, and I think the investigations are carefully conducted as a rule.

161. May I put the same question to Sir Charles Tegart ?—(*Sir Charles Tegart*): I have been satisfied with the investigation of all the cases reported. There was nothing further we could do.

162. *Mr. Fazil-ul-Huq*: I would like to put one question to Sir Charles Tegart. You have been good enough to tell us that the police are not nearly so unpopular as one would like to suppose from a perusal of the newspaper criticisms or platform speeches ?—That is my opinion.

163. But you again say that the attitude of the members of the legislative council towards demands for police grants has generally been hostile, and you further said as a reason for not transferring Law and Order to popular control that the council has not shown a proper sense of responsibility. Now, if the popular feeling against the police is not one of unpopularity, could you tell us the reason why the attitude of the members of the legislative council does not properly reflect the attitude of the general public towards the police ? Why should the attitude of the members of the legislative council be hostile ?—It is difficult for me to answer that question, but if I were to attempt to answer that question I should say, vilification and abuse of the police is traditional in this province, and hostility to the police curries favour generally and support of the police requires a good deal of courage to put it through.

164. Therefore a speaker in the legislative council hurling abuse against the police thinks that he would

get notoriety because the police is unpopular with the people ?—Yes.

165. Is it not a fact that one method, one parliamentary method of criticising the policy of a department is to refuse supplies ?—I have heard it.

166. The supplies may ultimately be granted, but for the moment they may refuse them as a criticism of the policy. Now, is it not a fact that during the first term of the council after the Reforms, namely, 1921–23, there had not been a single instance in which the legislative council refused police grants except in one instance, and the council itself put back that demand when it was subsequently asked for ?—I was not in India between 1921 and 1923.

Mr. Fazl-ul-Huq : After 1923, even in this legislative council, the only occasion on which the council turned down the demand was with reference to the increased pay to which you have referred. That was in August, 1928. On that occasion several of the members voted against the grant, and if I may remind you, myself also, but we made it clear to the council that we were prepared to vote for the grant but could not do that because at that time there was famine in the country and we thought that our action in voting supplies for the police would not be approved by our constituencies when Government had not been able to come forward with money to help the famine-stricken people.

167. *The Chairman* : I am afraid I have not quite understood that. You say you made it plain that you were quite prepared to vote for the police grant, but you did vote against it ?

Mr. Fazl-ul-Huq : On that occasion many of those who voted against it made it plain that they were voting against because it was an unfortunate occasion, because there was famine in the country for which money had not been provided and the members of the legislative council who were in sympathy could not vote for it at that particular moment. That was the reason for voting against the grant, not on account of any hostile attitude. Many of the members did it.

168. *The Chairman* : If that is the proposition, the thing that seems to matter is whether the minister or whoever it is who is in charge of the police force is going to get the money or not.

Mr. Fazl-ul-Huq : My point is, I am not prepared entirely to accept the position that the attitude of the council has been generally hostile. Sir Charles, I think I am correct in saying that there is a section in the council, to which fortunately we do not belong, whose policy it is to take up a hostile attitude towards any question, good, bad or indifferent. But there are others who are willing to co-operate but on some occasions vote against the grant for specific reasons, not because of any hostile attitude towards the grant itself.—(No answer.)

169. I shall leave that point. Is it not a fact that on this particular occasion many of the members who voted against the grant were prepared to vote for it if the grant had been brought forward at a later date ?—I am not in a position to say that.

170. Now, as regards the co-operation between the members of the legislative council and the police administration, you received the entire support of the council when you wanted the Goonda Act to be passed as an emergency measure ? It was passed by this very legislative council in 1925 ?—That may be. I cannot say very definitely whether it was this council or its predecessor. It was passed into law.

171. There was a very large Swarajist element in that council, much larger than in the present council, but it was passed by that council ?—Yes, the Bill was passed into law by the council.

172. Now, in regard to " not showing a proper " sense of responsibility," you mean by that that the council has on some occasions refused the police grant, and nothing further ?—No, I will not say that. I cannot give definitely the details unless I examine all the proceedings, but I should not say it is confined to that. I would say that the criticism of police methods has not been discussed very fairly on the merits on certain occasions.

173. The criticism of police methods has been unnecessarily bitter ?—I do not say that. I say it has not been discussed solely on the merits of the case.

174. May I say, it has been unsympathetic ?—We do not ask for sympathy.

175. Is it not a fact that the police met with this opposition in the legislative council because of the prevailing idea that the Police department absorbs a large portion of the public revenues and is top-heavy in its administration ?—I cannot agree that it is top-heavy.

176. I do not say it is agreed to. Nor do I agree, but that is the feeling in the minds of the majority and that is the reason which actuates their action. I do not say, you agree ; nor do I say we ought to agree to it ; but there is the feeling that the police absorbs a very large portion of the public revenues, much larger than it ought to and that it is top-heavy in its administration ?—If that feeling exists I do not know on what it could be based.

177. You know that there is that feeling ?—I know there is a talk that the police are pampered, but I have not been able to find the pampered officer yet.

178. *Maulvi Abul Kasem* : When Bengal was a larger area including Bihar there was only one Inspector-General of Police and no Deputy Inspector-General ?—(*Mr. O'Sullivan*) : There were Deputy Inspectors-General.

179. How many ?—Two.

180. Now, with a much lesser area you have got six ?—Yes.

181. Even after the new province was formed, what was the total police expenditure in 1913, and what was the total expenditure in 1928 ?—I could not give you those figures straight off from my own memory.

182. Sir Charles Tegart has said that he objects to the transfer because he is afraid that there will be intrigue within the force, and the intrigue I take it will be in the nature of members of the force influencing their friends or relatives in the legislature to influence the executive. Do I understand that you get this apprehension from what is happening or has happened in other departments which are now under the control of the legislature ?—(*Sir Charles Tegart*) : Such opinions as I have expressed are based on everything that has come before me ; not on any particular matter, but generally.

183. General administration ? You have heard or got reports from transferred departments in the present Government ?—(No answer.)

184. *Khan Bahadur Faroqui* : Could you tell us the reason why you do not recruit Bengalis as constables ?—Because they do not appear for enlistment.

185. Do you not think this was also one of the reasons for the Bengal council refusing the police budget ?—If it was, it was an amazing reason, because the whole argument as to why we cannot get Bengalis as constables is that they cannot possibly join on the pay which was offered, which was then Rs. 18 a month.

186. *Sir Arthur Froom* : Do you consider that the pay of the police as it is at present is adequate ?—(*Mr. O'Sullivan*) : No, I do not. It ought to be higher, particularly in the lower ranks.

187. And you are afraid you would not get the money if you put forward, in the provincial council, a demand for more money ?—I do not think so, without certification.

188. So, from that point of view you cannot say that the police are popular, when they will not give more money ?—No.

189. You said that riots take place in industrial areas in Calcutta, that some of those riots were due to industrial disturbances and others were engineered by communist agitators. Do you deal with these communist agitators in Bengal ?—(*Sir Charles Tegart*) :

Not unless they offend against the Penal Code. We have no special powers to deal with extraneous agitators.

190. These agitators can go on undermining the peace of the workers in the mills without the police touching them ?—Provided in doing so they do not commit any cognisable offence.

191. You consider that in the interest of the peace and safety of the public in Calcutta the police have sufficient power to deal with these agitators ?—If things go on as they are going I think the time will come when perhaps special powers will have to be taken.

192. Is there any considerable amount of direction, advice or control from the Central Government in connection with the police administration of Bengal ?—(*Mr. O'Sullivan*) : Not as regards the actual police working itself. But certain standards are set by the Central Government. For the Imperial Police Service, for instance, the standards are laid down I suppose on the advice of the Central Government by the Secretary of State. But I have never known of any instance where they advised in regard to dealing with particular problems. So far as I know I have not come across any evidence.

193. In regard to the larger problems you think there is a certain amount of evidence of advice or control from the Central Government ?—So far as I know they leave us alone.

194. *Sir Hari Singh Gour* : What is the relation, Sir Charles Tegart, of the police to the magistracy in Calcutta ? You have no district magistrates here ?—(*Sir Charles Tegart*) : No.

195. You have presidency magistrates ?—Yes.

196. And the presidency magistrates are directly under the High Court ?—That is so.

197. You have nothing to do with the magistrates here ? You are independent of the magistrates ?—Entirely.

198. Do you find any difficulty in administering your police because you are not subordinate to a person like the district magistrate ?—No.

199. Do you not think it would be a handicap to place you under a district magistrate here ?—You mean, if you place the chief Presidency magistrate at the head of the police here ?

200. You know that the district magistrate in Bengal outside Calcutta is the chief police officer in the technical sense of the term, and the district superintendent of police gets advice and assistance from the district magistrate in dealing with the administration of police of his district. Now, supposing you had the same system——

The Chairman : I think it is enough to refer to it. I do not agree that it is the administration of the police that the district magistrate has to deal with.

201. *Sir Hari Singh Gour* : Now, supposing you were to be put under a district magistrate in the same way as the district magistrate controls the police in the mofussil districts, would your administration improve ?—I do not see how you could run it at all.

202. As regards the popularity or the unpopularity of the police, do you not think that the chief reason why the police is unpopular is that it is at present the arm of the bureaucracy ?—Yes, I think there is a great deal to be said about that.

203. Supposing there was a change in the constitution, that hostility would diminish and in time disappear ?—We would hope so.

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205. *Sir Hari Singh Gour* : As regards the metropolitan police force, do you get any support from the public in the detection of crime ?—Yes, as I told Sir John Simon, the public are co-operating more with the police to-day than they did some years ago.

206. What is that improvement in regard to the co-operation with the police within recent years due to ?—I think it is due to an improvement in the standard of police work generally.

207. Due to the improvement in the standard of police work generally, and if the standard continues to improve, the popularity of the police will continue to grow ?—It should.

208. As regards the question that has been put to you regarding the supersession of the deputy commissioner of North Town, was it due to his display of partiality in the discharge of his duty ?—No, it was not due to any imputation against his impartiality. I was not here at the time, but I understood it was due to a feeling that he had not taken action quick enough at the inception of the disturbance.

209. In other words, it was due to his slackness in taking action ?—Yes.

210. As regards the pay and prospects of the police, you remember the Police Commission's report which was presided over by Sir Andrew Fraser in 1901. He went through the whole question about the re-organisation of the police and the causes of their unpopularity, and, if I remember aright, one of the reasons that he gave was that more educated men should be employed in the rank and file of the subordinate officers' cadre, and that has now been done ?—Yes, that has been done.

211. You are putting in more educated men than before ?—We are.

212. And do you not think that it has improved the morale of the police ?—Yes, I certainly think so.

213. As regards the future, assuming that the present Constitution lasts and that Parliament devises a Constitution similar to the present one, do you suggest that the police budget should be separately prepared and made non-votable ?—I cannot express any opinion on those points.

214. Have you foreseen the difficulty of preparing a separate police budget and getting it out of the general vote of the legislative council ?—No, I look at that from the practical point of view of policemen.

215. But whether it is workable or not, you have not considered ?—I have not.

216. And you have not considered it either, Mr. O'Sullivan ?—(*Mr. O'Sullivan*) : I have not.

217. If the police budget is to be made non-votable, do you not think that the unpopularity of the police would be intensified in view of the fact that while the public supply you the money, they have no sort of control or voice over the police ?—(*Sir Charles Tegart*) : I cannot express any opinion on that.

218. As regards the impartiality of the minister, supposing the responsibility of the ministers was joint and all the ministers are jointly responsible as regards the administration of the police, do you not think that in that case there cannot be any charge of impartiality when the responsibility is collective ?—I have not considered that question at all.

219. *Sardar Shivdev Singh Uberoi* : Would the Inspector-General please tell me what specific action he has taken during his tenure to check corruption in his force, departmental as well as in law courts ?—(*Mr. O'Sullivan*) : Every serious case of misconduct is reported to the Deputy Inspector-General of the range. Certain of those come on to the Inspector-General. Others are dealt with by the Deputy Inspector-General himself. Action is taken in all cases where there is sufficient evidence to justify. If the case is one that comes up for trial in a court of law, the accused is placed on his trial and is dealt with by the court according to the evidence. In certain cases, even though he is acquitted by the Court, we scrutinise the records to see whether departmental action could be taken or not.

220. Could you give us some idea as to the number of cases so dealt with, departmentally and in law courts ?—I will give you the figure for 1927. In 1927 for offences relating to corruption, excluding action taken for offences of breach of discipline, one sub-inspector, two sergeants, three assistant sub-inspectors and 84 constables were judicially convicted. As for major punishments, 360 men were dismissed and 686 were otherwise punished.

8,855 received minor punishments, such as warning and reprimand.

221. One of the reasons ascribed for corruption in your department is the smallness of pay in the rank and file of the police force. Has any attempt been ever made to increase their pay during your time ?—They had several increases of pay.

222. What is the present pay of the constable ?—Rs. 20 to Rs. 24 in the Bengal police.

223. *Dr. Suhrawardy*: What is the pay of the assistant sub-inspector of police ?—Rs. 30. The pay ranges from Rs. 30 to Rs. 40.

224. Broadly speaking, is it not a fact that the assistant sub-inspector is recruited from the same class as the sub-inspector and inspector of police ?—Yes.

225. Do you not think that the initial pay of Rs. 30 for educated young men is too low ?—I do think it is too low.

226. Did you make any attempt to get an increase of pay for them ?—Yes, the scale of pay I suggested is higher.

227. Have Government considered it ?—Government have agreed to the rate—Rs. 30 to Rs. 40.

228. I mean, since that scale of pay has been fixed, have you thought of increasing the pay ?—It was only recently fixed. It has taken effect from the 1st of November.

229. Then it is not a fact that the low pay for the assistant sub-inspector was fixed because the legislative council was opposed to anything higher ? Your own proposal was Rs. 30 ?—No; my own proposal was considerably higher.

230. Government turned down that ?—Government fixed it at Rs. 30 to Rs. 40.

231. So the council is not responsible for fixing the low pay. It was the Member in charge of the police who was not generous enough to consider your proposal, and he fixed it at Rs. 30 to Rs. 40 ?—I think the Member in charge was guided by the financial situation of Bengal to a large extent.

232. Sir Charles, may I enquire whether it is possible for you to let me have a copy of Mr. Armstrong's Report on the communal riots in Calcutta ? If I am not mistaken, the riot originated with the Arya Samaj procession, and I want to know the exact history to understand what were the slacknesses on the part of the deputy commissioner of police ?—I shall let you have a copy of the report.

233. *Sir Hari Singh Gour*: In connection with the question that I put to Sir Charles, Mr. O'Sullivan, in relation to the metropolitan police, do you see any difficulty of extending the same system of making your police independent of the district magistrate in the mofussil of Bengal ?—(*Mr. O'Sullivan*): To all intents and purposes they are independent now.

234. And if you make them more independent, you do not think that your police will in any way suffer ?—No.

235. As regards the other question about the pay being fixed at Rs. 30 to Rs. 40, have you any difficulty in obtaining suitable recruits ?—Not the least.

236. *Sir Arthur Froom*: In reply to a question put by one of the members of the Conference you told us that there was an improvement in the public coming forward to assist the police in the detection of crime, and I think you gave as a reason that it was because the police were more popular and perhaps more efficient at the present day than they were some years ago. I suggest to you that one of the reasons why the public are now ready to come forward is because of certain steps taken a few years ago to remove the wave of terrorism that existed in Bengal—a wave which had the effect of preventing anyone coming forward and giving evidence ?—(*Sir Charles Tegart*): In giving my answer I was not considering terrorist crime at all. I was considering ordinary crime.

237. You were not considering the crime of murder ?—I was considering murder, but not murder which could be put down as a terrorist's crime.

238. *Colonel Lane-Fox*: Is it not a fact that the public do come forward to give evidence now more freely and that it is more easy now to detect a crime than was the case before ?—I think that on the whole the public do come forward more readily with evidence in cases of ordinary crime to-day than they did certainly fifteen years ago.

239. *Sir Arthur Froom*: That is because they are protected now better than before ?—That is so.

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246. *The Chairman*: I would like to ask one or two questions, Sir Charles Tegart, I want you to explain, if you would, to me how inside the city of Calcutta the authorities act when they anticipate a risk of communal clash. I think you would find in some parts of India, at any rate in the country districts, that when such trouble is anticipated the district magistrate would call on a certain number of subordinate magistrates (he selects because of his knowledge and attainments) and get these magistrates concentrated at the point of danger. These magistrates would not only, if necessary, direct the assembly to disperse but they would help to manage the crowd and limit the risk of collision and things of that sort. Is there a corresponding thing happening in the city of Calcutta ?—Yes, sir.

247. Who is the person who calls together these subordinate aids ?—The commissioner of police.

248. And whom does the commissioner call together ?—When the mob is actually assembled ?

249. Yes.—In order to explain that I should have to go back a bit further. If we have any apprehension of a communal clash and if we get any warning, we try to get in touch with the leaders of both sides with a view to prevent a clash. If we see that a clash is inevitable we introduce what we call our " security scheme."

250. I was asking the question in connection with the relation between the magistrate and the police. It was suggested that the magistrate should have nothing to do with the police, and your answer just now was that in the city of Calcutta that was so. I want to know, in the city of Calcutta, when communal difficulty is expected, whether the magistrates who, if necessary, would direct unlawful assemblies to disperse are not in some way brought into play and who brings them into play ?—In Calcutta it is done by the commissioner and the deputy commissioners of police who have got limited magisterial powers.

251. The explanation is that in the city of Calcutta the heads of the police have got magisterial powers ?—Limited strictly to the discharge of persons arrested on bail, or security, or dealing with unlawful assemblies under the sections of the Code.

252. Is that an arrangement which you find elsewhere in Bengal, or is it limited to the city of Calcutta ?—It is limited to Calcutta.

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253. *The Chairman*: The position seems to be this that in very large parts of India the magistracy coming into play for the purpose of, let us say, directing unlawful assemblies to disperse or to do other things which are in the Code are brought in by the district magistrate, but in the city of Calcutta the police have got certain limited magisterial powers, as regards admitting bail and exercising certain special duties in connection with impending disturbances. Is not that so ?—Yes.

254. *Lord Burnham*: Do you regard these powers you have got as essential for public order ?—Yes, I think they are. Although, of course, the Criminal Procedure Code gives powers to the officer in charge of a police station to open fire on a mob, it is not necessary to have an officer with magisterial powers although this is advisable.

APPENDIX A (*Vide* Q. 87, p. 379).

STATEMENT SHOWING NUMBER OF TRUE CASES OF SERIOUS CRIME IN BENGAL AND FOUR OTHER MAJOR PROVINCES DURING THE LAST FIVE YEARS (1923-1927).

Provinces.	Murder, including attempts and culpable homicide.					Dacoity : (Secs. 395, 396, 397, 398, 399, 402 I.P.C.).					Burglary : (Secs. 454, 455, 457 to 460, 449 to 452 I.P.C.).				
	1923	1924	1925	1926	1927	1923	1924	1925	1926	1927	1923	1924	1925	1926	1927
Bengal ..	701	718	764	758	802	809	818	619	629	763	33,863	31,865	30,027	22,818	24,365
United Provinces	1,304	*	1,301	1,320	1,266	1,164	*	702	723	606	39,516	*	36,269	36,034	32,296
Punjab ..	1,165	1,092	1,140	1,003	1,165	333	211	160	147	149	17,056	16,870	15,900	13,750	13,976
Bombay ..	656	601	596	624	617	269	275	153	156	139	7,752	7,520	7,136	7,310	7,085
Burma ..	803	928	1,037	1,063	1,002	387	579	719	537	465	6,220	6,464	5,819	5,705	5,321

Provinces	Thefts : (Secs. 379 to 382 I.P.C.).					Rioting : (Secs. 143 to 153, 157, 158, 159 I.P.C.).				
	1923	1924	1925	1926	1927	1923	1924	1925	1926	1927
Bengal ..	23,215	22,456	20,117	16,598	17,247	759	679	676	673	719
United Provinces	23,622	*	20,974	20,713	19,828	1,135	*	1,041	1,160	1,226
Punjab ..	7,917	7,950	7,578	7,594	8,440	757	960	822	499	797
Bombay ..	10,586	10,782	10,332	10,591	10,419	275	269	275	248	235
Burma ..	16,432	15,139	13,349	13,193	12,492	22	38	23	29	13

* Figures were not given in the Annual Report.

APPENDIX B (*Vide* Q. 106, p. 379).

ACTUAL STRENGTH OF THE POLICE FORCE IN BENGAL AND THE PERCENTAGE OF MUHAMMADANS.

	Actual Number.	No. of Europeans.	No. of Indians & Anglo-Indians.	No. of Muhammadans.	Percentage of Muhammadans.
Inspector-General and Deputy Inspectors-General ..	7	7	—	—	—
Superintendents	43	34	9	2*	4·6
Assistant Superintendents of Police	46	32	14	5	10·8
Deputy Superintendents of Police	27	2	25	7	25·9
Inspectors	258	26	232	32	12·4
Sergeants	49	31	18	—	—
Sub-Inspectors	1,727	—	1,727	657	38·04
Assistant Sub-Inspectors	1,465	—	1,465	373	25·4
Head Constables	1,073	—	1,073	198	18·4
Constables	19,530	—	19,530	5,192	26·5
Total	24,225	132	24,093	6,466	26·6

* Excluding one on deputation under the Government of India.

Afternoon.

Mr. W. D. R. PRENTICE, C.I.E., I.C.S., Chief Secretary to the Government of Bengal, and Mr. W. S. HOPKYNS, C.I.E., O.B.E., I.C.S., Special Officer, Reforms, Bengal.

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1. *Mr. Cadogan* : Mr. Prentice, with regard to the geographical distribution of the backward tracts, the Darjeeling and Chittagong hill tracts seem to be at the opposite ends of the province ; is that so ? —Yes, one is in the extreme north and other in the extreme south-east.

2. I want to put a question on the population of the backward tracts. I am not quite clear in my mind as to the numbers. In paragraph 13 on page 12* of the memorandum you say that the population of Darjeeling is 282,000. Does this refer only to the hill tribes men ?—The whole of the Darjeeling district is a backward tract. It is classified as backward and that figure includes all the inhabitants of the Darjeeling district. You find it on page 14.*

3. Yes. The total of the backward tracts is 455,991. The backward tracts are administered under section 52A (2) of the Government of India Act, is that so ?—Yes.

4. The effect of that section is that any laws passed by the legislature applicable to the tracts will only apply to such extent and to such portions as the Governor General thinks fit ?—There is a notification under section 52A, published in January, 1921, which states the exceptions and modifications.

5. *The Chairman* : Under the section, first of all

* Vol. VIII.

the Governor General in Council notifies the tract. The next thing that happens is that the Governor General in Council directs in the terms of another notification that any Act shall not apply and so on ?—Yes.

6. And the effect is, as Mr. Cadogan says it is, negative. It simply prevents certain legislation from being applied ?—Yes.

7. *Mr. Cadogan* : The tracts are administered by the Governor in Council as the agent of the Governor General in Council ?—I do not think they are agency subjects ; I should like to verify that. Under Item 36, Part II of Schedule I of the Devolution Rules, excluded areas are a provincial subject. We deal with them ourselves as provincial subjects.

8. *The Chairman* : Supposing one has to visit now the Darjeeling district, an area which is covered by the notification and the direction and it comes to the question of administering the district, who administers it ?—Bengal. Darjeeling is one of the districts in the Rajshahi division, and Chittagong hill tracts is one of the districts in the Chittagong division.

9. In each case the district officer will administer it ?—Yes, under the Government of Bengal.

10. *Mr. Cadogan* : Does it come under the Central revenues ?—No. It is provided for in the provincial budget. It is in the reserved side, not on the transferred side.

11. *Lord Burnham* : Exactly the same as Assam under the present conditions ?—I am afraid I do not know anything about Assam.

12. *The Chairman* : It is so in fact. There are some hill tracts which are exactly like this, affected by section 52A (2) and others which are not only affected by that section but also by the later section 71 which enables the Governor General in Council to make regulations, affirmative regulations. What I do not understand in the case of these two areas, the Darjeeling district and the Chittagong hill tracts is, is there the affirmative power to make any regulation ?—The regulations for the Chittagong hill tracts are regulations approved by the Governor General in Council.

13. If that is so, your book on page 12* does not state the whole of the situation. It merely refers to section 52A which does not give any power to make regulations to the Central Government at all. What apparently has happened is that in addition to that there is the power which does exist under section 71 and under sub-section (4) of section 71, "The Secretary of State may by resolution in "Council, apply this section to any part of British "India." Has the Secretary of State applied that section to these hill tracts ?—I cannot tell you straight off. I would like to look that up.

14. *Mr Cadogan* : Is there any representation in the council from these tracts ?—No, no representation.

15. With regard to the administration of justice, do the tribal customs prevail in these tracts, as they do in Chota Nagpur ?—I am afraid I have no personal experience. But with regard to the Darjeeling district the ordinary Penal Code and Procedure Code apply. With regard to the Chittagong hill tracts I am not so certain.

16. With regard to the policing ?—They are under the Bengal police.†

17. And education ? Are there any schools under missionaries ?—I am afraid I cannot tell you. I have never served there.

18. *The Chairman* : Who would be the gentleman in the Government of Bengal who would know more particularly about the way in which these backward tracts are administered and policed ?—They are under the Revenue department. The police I can tell you about ; in the Darjeeling district, it is simply the ordinary Bengal police serving in that district. There is a superintendent of police who is one of the superintendents of police of the Bengal cadre. In the Chittagong hill tracts the deputy commissioner is practically everything. He is the forest officer, the Public Works department and everything else. But in Darjeeling district you have practically got the ordinary arrangements of any other Bengal district.

Sir Abdelkerim Ghuznavi : I may state this. With regard to local self-government, the minister for Local Self-Government has got no connection with the Darjeeling district. With regard to excise, the minister for Excise has got no connection with the Darjeeling district. It is administered more or less by the Revenue department only.

19 *The Chairman* : That is due to the fact, as pointed out by the Chief Secretary, that in the devolution rules which give a list of provincial subjects, there is an item, item 36, called excluded areas, and these excluded areas are not transferred. The consequence is that local self-government, education and other things in these excluded areas will not be transferred and will not come under the minister.—That is the real distinction, and being not transferred they are all allotted to the Revenue portfolio. (*Mr Hopkyns*) : May I explain the difference. In Darjeeling district all the transferred departments are under the Revenue department. The reserved departments still remain under the reserved department. In Chittagong hill tracts everything is under the Revenue department.

20. That is a mere piece of internal organisation on the reserved side. What I am not quite clear is, if you have a citizen living in the Darjeeling district or in the Chittagong hill tracts who has got the ordinary qualifications for a vote, is he a voter ?—(*Mr. Prentice*) : No, there is no constituency.

21. *Mr. Cadogan* : I do not know whether I can ask this question, the answer to which depends on an expression of opinion. But do you think it is to the benefit of these people that they should be excluded from the Reforms for the time being, and that they would be better left to develop under the existing system ?—I think Darjeeling can safely be included in the Reforms, but not the Chittagong hill tracts.

22. Why do you differentiate ?—Darjeeling is a civilised area with a district board, municipalities, etc., and is full of educated people. But the Chittagong hill tracts is a tribal area with three main tribal divisions. Darjeeling, besides being a non-regulation area, is similar to a Bengal district. My opinion is that Darjeeling can be included, but not the Chittagong hill tracts.

23. *The Chairman* : Turning to page 12 (Bengal Government Memorandum*), paragraph 13, the first sub-paragraph, I think, is about the Darjeeling district, and the Chittagong hill tracts begins with the third sub-paragraph.—The first sentence refers to both. Then, the rest of the first paragraph and the second paragraph refer to Darjeeling, and the third paragraph refers to the Chittagong hill tracts.

24. That was what I thought. Very well, take the first paragraph. "Part of the Darjeeling district "lies in the plains, and the remainder is in the "Himalayas, with an average level of about 3,000 "feet, rising in the north-west corner to 12,000 feet. "Only one-third of the district is culturable, the rest "being largely covered by forests. In the plains "area the population consists mainly of Bengalis, "while that of the rest of the district contains "representatives of numerous hill races, of which the "principal are the Lepchas, various sections of "Nepalese and Bhutias from Bhutan, Sikkim and "the Chambi valley of Tibet. In the trading com-"munity the up-country plainsman of India is also "found. In language, religion and customs, the hill "people are quite distinct from the rest of Bengal." I quite understand what you say there. But do you think that in the course of ten years the inhabitants of the backward tracts in Darjeeling have become indistinguishable from the inhabitants of the plains ?

* Vol. VIII.

† This is true only of Darjeeling. The Chittagong hill tracts have a separate police force in respect of which the commissioner of the Chittagong division exercises the powers and authority of an Inspector-General of Police.

* Vol. VIII.

—Before the Montague-Chelmsford reforms the local Hillmen's Association was against the inclusion. It has now changed its mind, and I do not think there is a sufficient case for opposing it. The local Hillmen's Association is in favour of coming under the Reforms.

25. *Lord Burnham*: I wish to ask, in regard to the last answer, whether it is considered sufficient to have a resolution by a Hillmen's Association to decide the question whether any part of the province is to come under the Reforms at all ?—No, but that was one of the items taken into consideration. We had the reports of the local officers and they were all unanimous in favour of bringing them under the Reforms.

26. That might apply to the Chittagong hill tracts also, supposing the Hillmen's Association there were to be in favour of it ?—I do not think there is any such association. But even if one of them did favour it I think the local officers would unanimously say no.

27. *Mr. Travers*: Mr. Prentice, is it not a fact that the tea planters in the Darjeeling district who are in intimate association with the Nepalese of the district said that the Nepalese inhabitants of the district did not want to come in ?—The tea planters themselves have opposed it, but I do not remember that they are claiming to speak on behalf of the Nepalese inhabitants.

28. They do, as a matter of fact.—Well, I have not got the letter here.

29. Is it not also a fact that the factors which influenced Government in 1919 to exclude the Darjeeling district are still in operation ?—I am afraid there is a considerable difference of opinion.

30. I say, the factors ?—It is a matter of opinion. All the officials say no. The tea planters say yes.

31. *The Chairman*: Mr. Travers, would you inform us, have the tea planters in that area—they may have an association there—expressed themselves as in favour of the present arrangement ?

Mr. Travers: Yes, sir, they have very strongly.

32. *The Chairman*: And would you mind telling us, as a piece of information, what is the main ground on which they think that the present system should not be altered ?

Mr. Travers: They say that " the factors which " influenced Government in 1919 to exclude the " Darjeeling district from the operation of the " Reforms are as strong to-day as they were then. " Geographically, racially and historically, the Dar- " jeeling district is distinct from the remainder of " Bengal, being mainly a hill district in which the " conditions of climate, agriculture, communications " and other considerations differ widely from those " obtaining in the plains of Bengal. The district is " populated almost entirely by Nepalese immigrants " or the descendants of immigrants from the State " of Nepal within the last 60 years, and these people " are primitive and have little in common with the " residents of Bengal."

33. *Mr. Cadogan*: The Bengal plains man is in a more advanced state than the Nepalese, than the primitive tribesman ?—I deny that all the tribesmen are now primitive. I mean, education has spread very considerably amongst the hills people, and I should think myself that a large number of them would object to being called primitive.

34. *Lord Burnham*: They have become sophisticated ?—Sophisticated and educated.

Mr. Travers: My argument is that the real body of the people in the district do not want the Reforms.

35. *Colonel Lane-Fox*: What are these Hillmen's Associations ? Are they elected bodies ?—It is a recognised association, but what its internal rules are I do not know. It has been recognised by Government.

36. *Lord Burnham*: Panchayats ?—I do not know. It is not a Government Association. It is a non-official association that claims to represent the hillmen. But what its constitution is I do not know. In Bengal there are any number of associations, but only a certain number are recognised by Government as entitled to express opinions on public matters affecting them, and this is a recognised association.

37. I should like to know how they formulate these resolutions, how they are carried and what value they have got, because we all know of associations which consist of two or three men.—I cannot give you the exact details about these resolutions. But as an example, when the Governor arrived in Darjeeling when he first came out, that association was one that presented an address. The people who presented it were all tribal members, educated people who take a prominent part in Darjeeling affairs.

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38. *Mr. Fazl-ul-Huq*: Mr. Prentice, on the point of the increased association of Indians in the ordinary work of administration we had certain recommendations from the Lee Commission, and if I am not mistaken, the recommendation was, that ultimately 40 per cent. of the superior Services in India should be recruited in England and 40 per cent. in India and 20 per cent. by promotion from subordinate services. Roughly speaking, that was the recommendation. Has the Bengal Government given full effect to the recommendations of the Lee Commission as regards the recruitment to the higher services by promotion from subordinate services ?—I can speak for the Indian Civil Service and the Indian Police Service. I can say a programme was drawn up which we are to give effect to by 1939. We are a good bit ahead of that programme.

39. You have not been able to give full effect ?—Full effect under the Secretary of State's orders is to be given by 1939, and this is only 1929. In the Indian Civil Service there were 22 posts to be filled and we have filled 17. In the Indian Police Service there were 12 to be filled and we have filled 8. The case is taken up every year in accordance with a certain formula and every year it is seen whether we are entitled to list another post or not.

40. As regards the recruitment to the judicial service ?—Judicial service we do not control. Under the Act it is done by the High Court.

41. But you tell the High Court how many vacancies are to be filled up and the High Court makes certain nominations ?—Yes.

42. In filling up posts in the higher judicial service ?—Higher judicial services are filled by promotion.

43. Is it a fact that a portion of the proportion which was allotted to promotion from subordinate judicial services has been allotted to recruitment from the Bar ? I mean, instead of getting recruitment from the Bar direct, you have included recruitment from the Bar in the proportion which was allotted for promotion from subordinate judicial services to the higher services ?—I think that is correct.

44. Therefore to that extent the proportion from the subordinate services has been lessened ?—That was done under the Secretary of State's orders.

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45. *Sir Hari Singh Gour*: Mr. Prentice, the Chittagong division is a deficit division, is it not ?—I do not know what the income and expenditure is.

46. Supposing it were a deficit district, speaking personally for yourself—I do not want you to commit your Government—do you see any objection to its transfer to Assam ?—I am afraid I have not even considered it.

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48. *Lord Burnham*: I understand, Mr. Prentice, generally speaking, in regard to the staffing of the services you are well ahead of the Lee Commission's report ?—Speaking of the listed posts in the Indian Civil Service and the Indian Police Service.

49. You are almost up to the stage to be reached in 1939 ?—We have five more to fill in the Indian Civil Service and four more in the Indian Police Service.

50. Turning to the chapter in which you deal with the services (page 193 and following pages of the Bengal Government memorandum*) I see you are giving rather a gloomy picture. I understand that the Indian Civil Service are better satisfied than they were with their remuneration ?—I think the last paragraph of the chapter really gives the final conclusion, and that is not by any means despondent.

51. *Lord Burnham*: You say at page 193:* "Occasions for attacks on officers of all services, "both British and Indian, are eagerly taken, both "in the legislative council and the press, and there "is little sign of a cessation of the vehement and "sometimes malignant abuse to which the authors "of the Reforms referred. These attacks are part "of the political game and many who are not opposed "to the existence of the All-India Services, and "would be opposed to their abolition, join in them. "There are, however, those who recognise that the "All-India Services under the control of the Secretary "of State, and in particular the Indian Civil Service, "are a serious obstacle to their desire to get control "of the administrative machine." I should have thought that that was rather a serious thing to say ?—That is only stating the conditions under which officers have got to serve, but the final view is stated in the last paragraph.

52. That was rather a serious thing to say. I want you just to tell us what sort of attacks by the legislative council you were referring to ?—Take any debate on the police. You will hear all that is bad and nothing that is ever good about the police.

53. I was thinking particularly of the Indian Civil Service. Is the same thing true there also ? Can you give us any specific instance ?—I cannot for the moment recollect any specific case. Yes, there was one case in which very bitter things were said about a civilian, and that was the Kulakati case.

54. Then again you say in page 194,* second paragraph: "But with the less secure ministers of "later years, and a growing lack of a sense of respon-"sibility in members of the legislative council, "political pressure has begun to affect the services. "This has been most apparent in the Registration "department, in which appointments have been "given and transfers have been made for political "purposes" ?—The Registration department is a provincial service, not an Imperial service.

55. I was dealing really with services as a whole which I understand you are competent to reply for and was asking you what that sentence meant. You say that "political pressure has begun to affect the "services." Of course, not for better, but for worse, I suppose ?—You see that the sentence first quoted, viz. "These attacks are part of the political game "and many who are not opposed to the existence of "the All-India Services and would be opposed to "their abolition, join in them" refers to the All-India Services. The Registration department is a provincial service.

56. I wanted to know how far you thought that this deterioration of the services proceeds from such attacks. That was what I wanted to know ?—We have said at the end: "The services are already "beginning to adapt themselves to new conditions. "The generation of those who worked under the old "regime and still have memories of different times is "passing away. The younger men have no such "memories and are growing into the existing system, "and they find that the work is worth doing." That is the final conclusion of the Government.

57. But then do you still hold that the services have deteriorated under this system, I mean in regard to the quality of their work ?—Speaking for the All-India Services, I do not think they have. The difficulty is this. Under the distribution of work in the Government of Bengal, the Chief Secretary only deals with the Indian Civil Service, the Indian Police Service and provincial services, such as the Bengal Civil Service and the Bengal Junior Civil Service. The Registration service, for example, is under a minister.

58. I understand that. I was only asking you about your own personal knowledge ?—I have never heard that there is any deterioration in the quality of the work. There may be alteration. . . .

59. I will ask you this question. How would you view the further Indianisation of the services which will follow on the transfer of other departments, such as Law and Order, to responsible ministers ?—Unless you substitute a provincial service for the Imperial Service, I do not see that necessarily there would be any increased Indianisation.

60. That follows if the subject is transferred and if the service is provincialised, of course making allowances for the existing services ?—Hardly so; you have got an Imperial service, the Indian Medical Service, serving in the transferred department, the Medical department.

61. Yes, but the police might become provincialised, of course reserving existing rights. I am not talking of the expiry of the All-India Services ?—Then the question is how would I view a provincialised police. I should not like to provincialise the police at all. I believe that an Imperial police service is essential.

62. Have you any other criticisms to make to the proposed transfers of functions to responsible ministers from the service point of view ?—Take Land Revenue. That is part of the Collector's work, and it does not really matter, provided the Collector is treated decently, whether he is doing a transferred part of his work, or a reserved part of his work.

63. If the services become provincialised as things now are, then it is said that the salary and prospects are such as do not attract European candidates ?—We are getting candidates. In the last Indian Civil Service examination I believe there were more than ever.

64. If the services are provincialised ?—Speaking for the services under me, we have practically never had Europeans in the provincial service.

65. *The Chairman*: I am not quite clear whether you are not at cross purposes. I am looking at it from the point of view of the Lee Commission Report which is now very familiar to you, and I am reading from page 62, which contains a summary of the recommendations. There I see first of all a recommendation about the services employed in reserved fields. It says: "The All-India services employed in "reserved fields of administration should continue to "be appointed and controlled by the Secretary of "State for India in Council." Then, as regards the services employed in transferred fields the recommendation of the Commission is: "For the purpose "of local Governments, no further recruitment should "be made to the All-India services as such, operating "in transferred fields." The result of that is that if you take, for instance, the Education department, generally speaking, since education has become a transferred subject, the recruitment of persons in the Education department is to the provincial service. Is not that so ?—They have stopped recruiting to the Indian Educational Service. I do not know whether they have created any provincial service.

66. But I am sure many must have joined the Bengal Educational Service since the Lee Commission reported ?—I rather think that most of those appointments are on special contracts.

67. *Lord Burnham*: They are under certain short term contracts. Are they not ?—Yes, so far as I know.

68. *The Chairman*: I think what Lord Burnham was suggesting was this. I think it is not very unnatural to suppose that if you have subjects transferred and administered by ministers, the future recruitment for the services controlled by the minister and the legislative council will be in the form of provincial recruitment ?—It depends largely upon the organisation. So many of these works are now done by the same man, the district officer, who is an Indian Civil Service officer, and if Lord Burnham's suggestion is to substitute a provincial service to run

* Vol. VIII.

the district administration, then I am totally against that. I want the retention of the Indian Civil Service.

Lord Burnham: I was referring primarily to the police if transfer of Law and Order takes place, that is to say, if the police service becomes provincialised. Then I asked you as to whether if any other subjects now reserved are transferred, how you would view it from the point of view of the services.

Sir Hari Singh Gour: I believe that both the Chairman and Lord Burnham are dealing with the question of control, while Mr. Prentice is not dealing with control, but with the services.

The Chairman: I was only reading a sentence from the Lee Commission Report, and I want to make it quite clear that I am not suggesting that I have got any prejudice either with the one or with the other.

Lord Burnham: So far as I am concerned, I was thinking only about the terms of service offered by the provincialised transferred subjects and of the complaints raised that they have not been such as to attract European candidates. I do not say that that has been almost the universal experience. Especially in the Education department we heard a good deal about it and that European recruits to that department, if any, came only on short term contracts for specialised posts involving special responsibility.

69. *Major Attlee*: As a matter of fact, no superior provincial service has been started. They are carrying on recruitment under short term contracts ?—If they have not started it, they are very nearly starting the Bengal Service of Engineers. But the difference between the Police and the Indian Civil Service in that respect is that the police deal only with police matters, so that you might possibly have a provincial recruitment to enlist a provincial service in order to do police work. As regards the Indian Civil Service district officer, he does lots of things, and transferring one of his functions would leave his other functions still to be done.

70. *The Chairman*: I am sorry I am not clearly following you. Look at page 195* of your book, the paragraph which is headed "Indianisation." I leave out the first sentence. Then I see there this statement: "Except for the promotion of a provincial "service officer, the last appointment to the Indian "Educational Service was made in 1921." That means there has been no further recruitment on an All-India basis to the Service of Education in Bengal ?—Yes.

71. Then you say: "the last appointment to the "Indian Agricultural Service was made in 1920"; that means the same thing. Then to the Indian Veterinary Service the last appointment made was in 1922, and the last European recruit to the Roads and Buildings branch of the Indian Service of Engineers was appointed in 1919. I think the suggestion, if I followed it correctly, was that it looks rather as though that recruitment on an All-India basis to these services stopped with the transferring of the departments relating to these subjects and that something in the nature of a provincial recruitment has taken its place ?—With that I agree.

72. Then the question is, if there is to be more transfer of subjects in the future, do you visualise that that system will be applied over the whole field ?—I do not visualise a province run without an Imperial Service.

The Chairman: I see.

73. *Colonel Lane-Fox*: At page 194* dealing with the question of appointments of Indians, you say that: "appointments have been given and transfers "have been made for political purposes. But it has "also affected higher grades in the services and "appointments have been kept in suspense pending "a vote on ministers' salaries or the decision on a "motion of no confidence." That is to say, a minister would not make an appointment which might be unpopular until he finds that he has the support of the House ?—Yes.

74. I suppose a good deal of this trouble is due to the uncertainty and insecurity of the position of the ministers ?—That has got a good deal to do with it. I certainly think that Ministers would be subject to less pressure if their tenure was more secure.

75. Have not there been difficulties in connection with the working of local self-government departments that it has been impossible to work any scheme because there has never been a minister sufficiently long in his job to give him time to do anything ?—That has been one of the great difficulties.

76. Just one question as regards special recruitment. You say in paragraph 285 at page 194:* "Direct recruitment to most of the provincial "services is now made by competitive examination, "and a selection board consisting entirely of officials "has recently been formed to deal with first appoint-"ments. . . ." Has the question ever come up before for the appointment of what is called a Public Service Commission ?—I think it was considered, but the Bengal Government decided not to go on with it for the present.

77. What is your selection board composed of ?—In order to avoid the operation of political and communal influences, it has been composed entirely of high and permanent Government officials. I forget exactly what the composition is, but the member of the Board of Revenue is president of the board, and we have on it the Commissioner of the presidency division, and I think the Legal Remembrancer and the Director of Public Instruction. I forget who the other one is. There are five senior officials.

78. And that has saved you from the trouble, while in certain other provinces it has given rise to the criticism that appointments are made on communal grounds ?—I have never heard any criticism of their selection.

79. The appointments made by this board you say are mainly for higher posts and that no communal considerations are brought into play in the selection ?—The appointments of provincial service men under the rule must either be made by competitive examination, or by selection by the permanent board of selection, and it all depends on to what provincial service an appointment is being made, what method of appointment is used.

80. *Major Attlee*: With regard to the questions which Lord Burnham was putting to you, you say that you could have the transferring of departments, and yet have officials there from the All-India Services ?—We have it at present with the Indian Medical Service in the medical department.

81. Exactly; therefore, the thing does not necessarily mean that if you transfer a department to a minister you have thereupon to go only for provincial recruitment ?—I do not think so. Experience has shown that.

82. *Sir Abdelkerim Ghuznavi*: On page 193* you say "There are others whose views are those of the "signatories of the Minority Report of the Reforms "Enquiry Committee of 1924. . . " and then you go on to say "and therefore thought that the position "of the services should be put on the same basis as "in England, by their becoming mere instruments "for the execution of the policy of the Government "and having no political function to discharge." I should like to know what your views are with regard to this ?—My personal views ?

83. Yes.—I do not believe in the transfer of everything and so I think that for some time to come certainly the members of the services must have political functions to discharge.

84. What should be the exact position of the services ?—I believe that, as at present, it is necessary for the administration of the province that some members of the services should be responsible for policy; at present they are called Members.

85. On page 194* you say that political pressure has begun to affect the services. Can you cite any

* Vol. VIII.

instance in support of this statement ?—I am not prepared to cite any instances in public.

86. What kind of pressure do you mean ? Do you mean that pressure has been used in order to secure political support ?—In order to secure political support things have been done to members of certain services which otherwise would not have been done.

87. For instance, do you know of any instance of a minister directing the officers of the Excise department to grant vendor's licenses and so on in order to secure support ?—I would much rather not answer questions about individual departments or ministers.

88. Kindly turn to page 195.* You say: "In "the matter of appointments to the judicial service, "the local Government acts on the advice of the High "Court, in accordance with the provisions of the "Bengal, Agra and Assam Civil Courts Act, 1887. "The result is that the principle in accordance with "which a proportion of appointments is in other "services given to Muhammadan candidates is not "observed in this service. It would require legisla- "tion by the Indian Legislature, made with the "authority of the Secretary of State, to change the "present method of appointment." Can you tell me what has actually been the result of the present method with regard to, say, the appointment of munsiffs ?—Under the Bengal Government orders, in the Bengal Civil Service (Executive) 45 per cent.† are given to Muhammadans; but in the Bengal Civil Service (Judicial), I do not think the percentage is forty-five.

89. What will be the percentage ?—Speaking from memory, I think the last time the selection was made it was about 30 per cent., but I cannot tell you definitely.

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93. *Maharaja Shashi Kanta*: Do you think that separate communal representation in the Bengal legislative council will tend to decrease the present communal feelings in Bengal ?—There is communal representation in the Bengal legislative council.

94. By keeping communal representation will it decrease communal feelings ?—I am not in favour of abolishing communal representation.

95. *Mr. Travers*: With regard to the questions that have been asked about cases of attacks on officers, British and Indian, I take it that when an unfortunate instance arises where a British officer has got to preserve law and order, for instance, like the Kharagpur riot, the attacks on the officer in charge are specially bitter because he is a member of the Indian Civil Service ?—I would not say that.

96. You do not think that the bitterness of the attack by a certain section only is due to the fact that the officer in charge at such a time is a member of the Indian Civil Service ?—No. He is holding a position which a certain section in the council would like somebody else to hold.

97. Another point. Schemes for the betterment of the people are prepared and completed under the instruction perhaps of the minister and then political circumstances arise which make the minister to abandon the schemes. Thus all the work is wasted. I presume that that accounts for a certain amount of disappointment growing in the minds of the members of the services ?—I do admit that in some cases there is waste of work.

98. Can you point to any district where a collector has schemes prepared for the improvement of his district and a certain section attacks those schemes simply because they are made by him ?—I do not remember any instance of that sort.

99. *Mr. Fazl-ul-Huq*: From the ranks of the Bengal junior civil service, popularly known as sub-deputy collectors, you make certain promotions to the executive branch of the provincial civil service. Is there any bar in the rules for promoting a member of the Bengal junior civil service to some of the listed appointments as you call them ?—There is no actual bar in the rules, but the promotion to the listed posts is from the Bengal civil service.

100. Before they can claim or accept promotion to the superior service they have got to get into the provincial civil service ?—Yes.

101. Do you agree that the members of the junior civil service are, from educational and other points of view, as much qualified as the members of the provincial civil service ?—If examination is any test of educational merit, they are not because they come out lower in the list.

102. As regards the actual work performed it has been the opinion that generally they are on a par with the members of the provincial civil service ?—I do not accept that.

103. Are you in favour of amalgamating the two services if that were financially possible ?—Not on the rates of pay given to the Bengal civil service.

104. *Sir Arthur Froom*: With regard to the Bengal provincial service has the communal Indianisation had any effect on the employment of Anglo-Indians in the provincial services ?—Provincial services are filled either by examination or by promotion. For examination we have three classes, firstly, Muhammadans, secondly, Anglo-Indians, Christians and the depressed classes described as such in the Sadler Commission's report, and thirdly, Hindus. We have promised to give 45 per cent. to the Muhammadans; we have reserved our right to give posts to the second class, i.e. Anglo-Indians, Christians and the depressed classes; and the remainder we give to Hindus. So far as I know the examination lists, there never has been a single Anglo-Indian who has qualified for appointment. They have the opportunity to come forward, they have a smaller class in which to compete, but not one of them has qualified for appointment.

105. But some of them hold appointments ?—Those were given in the days of nomination. There are no nominations now unless we go to the Governor General in Council.

106. The position is that due to the competitive examination the Anglo-Indians are crowded out ?—They are not crowded out, they have got a separate class along with Christians and depressed classes.

107. Do you nominate them ?—If they qualified they would be considered for nomination. After the last Bengal civil service examination we took one man out of that class but he was not an Anglo-Indian; there was no Anglo-Indian qualified.

108. The position is that if there are qualified Muhammadans 45 per cent. of the posts are given to them ?—Yes.

109. Do you get 45 per cent. always ?—Yes, always.

110. And the rest of the posts are filled by others who have also got to qualify themselves ?—We make appointments in the order of merit. The only exception we make is in regard to the second class, i.e. the Anglo-Indians, Christians and depressed classes; Government reserves the right to make appointments from them if they are qualified.

111. So really the position is that the Anglo-Indians are not so highly educated, and they got left behind; is that it ?—That is the result. As a matter of fact, from our point of view, we should be very glad to have one or two, but we have no power to nominate now unless we go to the Governor General in Council.

112. With regard to general administration, and your district boards (Chapter XI*), there is a very interesting and clearly written chapter on the development of district boards, and how their chairmen are now elected, and so on and so forth. Do you consider that there is sufficient liaison between your provincial Government and the chairmen of these district boards ?—Liaison ?

113. Yes. Is your provincial Government in sufficient touch with the district boards in Bengal ?—

* Vol. VIII.

† The witness subsequently stated: "The correct "wording should be 'as many as 45 per cent.,' but in "practice 45 per cent. is worked up to and the evidence "is given on that basis."

* Vol. VIII.

I am not Secretary of the Local Self-Government department, but I was a district officer for many years. I do not know exactly what you mean. The correspondence with the district boards goes down, as far as I know, still through the commissioner.

114. In the old days there was an official chairman ?—Yes, that was so.

115. And he had the whole of his machinery for touring the district, and for putting forward such administration as he wanted to ?—Yes.

116. Now you have no official chairmen ; you have an elected chairman, and perhaps the elected chairman is not in possession of the same machinery for administering his district as effectively as was the case in the old days ?—Many of the chairmen are people employed as legal practitioners, etc., and have to earn their living, and have not the same time to do touring.

117. My recollection of the district boards when I happened to tour this part of the country rather more than a year ago is that a great number of them were inefficient ; they tried to do their job, but they received no help from the provincial Government, or mighty little. Do you agree that that is so ?—Received no help ? I think the position of the district officer is that he is willing to assist the district board in every way he can, but naturally the district board would like to be independent.

118. There is no control over them, then ?—The control is very slight.

119. *Mr. Travers* : Is not there an annual conference of the chairman and vice-chairman in Calcutta with the minister presiding, when all sorts of matters are brought up ?—I do not know.

120. *Sir Arthur Froom* : My recollection was particularly with regard to roads. As far as I can understand, the district boards did the best they could without any advice from qualified engineers.—They have the same grades of staff as they had before, and there is still the superintending engineer, who is the technical inspector of works.

121. He occasionally inspects. It seemed to be very occasional when I saw it.—I think the real cause of the trouble is that the district officer used to go over all these things in the course of his ordinary tours, and he has to be out at least ninety days a year, and in the course of his other work he went practically all over the district, and knew practically everything. The chairman of the district board, being a busy non-official as a rule, cannot spare the time. He cannot possibly be out for the time that the district officer used to be.

122. *Raja Nawab Ali Khan* : On page 194*, at the end of paragraph 283, I find this passage : " There " are no political appointments in Bengal such as " are available in most democratic countries for the " reward of political services, and until such patronage " is available it will be difficult to keep the services " free from political influences." The meaning of that passage is not very clear to me, and I shall be very much obliged if you will explain it.—It is a point that has been put forward by various ministers that they would like to have a certain number of posts to which they could make appointments. Practically all the posts in Bengal belong to certain services—have got to be filled by members of services.

123. For political services ?—No, they have got no patronage. All the posts, practically, are filled by members of certain services, and they cannot take A and put him into an odd job.

124. *Sir Hari Singh Gour* : You have said that 45 per cent. of the posts have been reserved for Muhammadans ; then you have the depressed classes, Anglo-Indians and Indian Christians as the second class, and then come the remainder, including the Hindus and the nondescripts. Now, is the standard of qualifications for each class the same ?—They have got the same examination and the same qualifications.

125. Is the standard of examination the same ?—Yes.

126. Then why this discrimination ? Why not have one examination ?—The standard of qualification is the same, but some examinees may get more marks than other examinees.

127. You do not necessarily select the best men ?—If you were to put them in one joint list you probably would not get 45 per cent. Muhammadans in the first dozen or whatever the number was.

128. How many will you get supposing you were to have them in the order of merit ? If merit was the sole test, how many Muhammadans would you get ?—I am afraid I have never worked out those figures.

129. Are there any Indian Christians ?—One Indian Christian was appointed this year.

130. Any member of the depressed class ?—I do not remember one ever getting high enough marks to be considered.

131. Then the second class are more or less an imaginary class ; you have nobody at all ?—We appointed an Indian Christian this year, and he comes out of the second class.

132. Supposing this second class develops in course of time, then the remainder would become a zero quantity, because you have no limitations on the second class ?—As long as the Hindus form such a large percentage of the population, the chances of the remainder becoming zero is remote.

133. They simply get in by sheer merit ; they are not under the sheltering wing of the Government ?—No.

134. What is the result of communal feeling in the services ? Does it tend against efficiency ?—As far as I can make out, there is no decline in efficiency.

135. Have you considered what is the High Court opinion on this matter ?—The High Court select the judicial services themselves.

136. Have they not been sent the Government circular ?—It is pointed out in the report that they do it under an Act, and the Bengal Government orders do not cover them.

137. I am talking of the communiqué dated 21st December, 1925 ?—That dealt with the executive services, did it not ?

138. It is put down here : " The Governor in " Council has had under consideration the question of " recruitment of Muhammadans to government ser- " vices under his direct control." Do you regard these services as not under the direct control of the Governor ?—No, under the Act it is the High Court that has control.

139. Have they got any percentage of posts for any community ?—As I told Sir Abdelkerim, no.

140. It comes, then, to this. The High Court adopt one principle and follow one rule, and the executive government adopt another principle and follow another rule. Is it only for the purpose of placating the Muhammadans that you have this 45 per cent. rule ?—Does not that circular you are quoting from state the government's reasons ? As far as I recollect, it was something about " for the " good of the community."

141. It states reasons which I have not been able quite to understand. It says that the Government adopted as the criterion the good of the population as a whole.—Yes, the good of the population as a whole. They disregard the original plea of population, as far as I recollect.

142. In this communiqué nothing is mentioned about the depressed class, Anglo-Indians and Indian Christians ?—That was dealt with two or three years previously. In 1923 I think it was decided——

143. No ; this was 21st December, 1925 ?—The Order of 1923 I think deals with the depressed classes, and then I think the Muhammadans were given 30 per cent. In 1925 it was increased to 45.

144. Were they given any proportion of posts at all before 1923 ?—I do not recollect.

145. So it is true, as it is stated in this book at page 106*, where it sums up the situation more or

* Vol. VIII.

less : " But in Bengal Mr. Das' attempt to secure the " support of the Muhammadans by his Pact, the " subsequent disillusion of the Muhammadans, the " crystallisation of the position between the two " communities by Sir Abdur Rahim's speech at " Aligarh, the impression caused by the debate in " the Indian Legislative Assembly on the question " of the North-West Frontier Province, and the " political colour of the *Shuddhi* and *Sangathan* and " other communal movements were clearly con- " nected with the Reforms and with the struggle of " the two communities for the political power offered " by the new system." Consequently the point I am asking you is this. The struggle for grasping political power, so far as the public services are concerned, is evidenced by the fact that while before 1923 open competition and qualifications were the sole test, the Muhammadans got 30 per cent. of reserved posts ?—I am not admitting that. I have not made a definite statement about what there was before 1923. All I said was I did not remember.

146. Let me put it in this way. Although before 1923 you do not remember what the situation was, the fact remains that in 1923 your Government had to reserve 30 per cent. of the posts for Muhammadans ?—Not " had to " ; did.

147. But I suppose it did because it had to ?—No. There was a discussion about revising the recruitment rules.

148. It did it out of its administrative benevolence, and two years later that percentage was raised to forty-five ?—Yes.

149. There is a statement on page 194* with regard to the Indian Civil Service which I should like you to elucidate, if you will. At the top of the page it says : " The demand of the services for protection " involves the control of the Secretary of State, and " this is inconsistent with complete responsible " government." I think you said just now that in the transferred field, because Indian Medical Service officers are still All-India servants therefore the mere fact that the other departments of Government were transferred would not necessarily involve dispensing with the members of the All-India services, following the example of the Indian Medical Service. But is not the case of the Indian Medical Service special ? Was not it dealt with by the Lee Commission as a special case, because certain European members of the Indian Medical Service were considered to be necessary for the purpose of treating European servants of Government ?—There is the fact, that you have a reserved service working in a transferred department.

150. That is true, but it was the exception, not the rule, and it was treated by the Lee Commission as an exception. The rule is what you have stated here, namely that if the subjects are all transferred the services would be under a minister. Now, if the services are under a minister, it does not matter if they are called All-India services or provincial services ; the name does not matter so long as the emoluments do not differ ?—Whether they are provincial or All-India matters tremendously. All-India are under the Secretary of State ; provincial are under the ministers of the local Government, and that is a vital difference.

151. That is exactly what I am now driving at, the question of control. Is not that the important point ? It is not exactly a question of nomenclature, because, as a member of the Indian Civil Service, you must know that " Indian Civil Service " is only a later development ; at first you had the Bengal Civil Service, the Madras Civil Service, and so on, and you were entitled only to the two letters " C.S." It is only latterly that you became members of the " I.C.S.", so that nomenclature does not matter in that sense. The real question is the question of control, as to who will appoint and control and have disciplinary power over the members of the European service. That is the real point. Now, do you see any difficulty in the Indian Government, that is to say not a provincial Government but the Government of India, say the Governor-General in Council or the Governor-General himself, assuming control of the All-India services ? Would that in any way interfere with the assumption of complete responsible government or with the efficiency of the services ?—I do not think you would get the same service. I am not buying a pig in a poke. You are asking me to assume all sorts of things.

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153. You do not really wish to dogmatise as to what will be the state of the services under an altered constitution with altered circumstances without knowing what those circumstances will be ?—I cannot. All I can say is that if you remove the present safeguards you will have to substitute something very pukka to get the same service.

154. *The Chairman* : I want to follow exactly what is the most important consideration. Of course, one can make a long list of safeguards, but I want you to tell me what you think the Indian Civil Service man regards, as things are, as the most important safeguard. Is it that his salary is non-votable ? Is it that the Secretary of State in Council still has a certain control over the finances of India ? Is it that he cannot be dismissed by any authority subordinate to that by which he was appointed ?—What in your experience is the particular thing the Indian Civil Service man regards as his sheet-anchor ?—I think he looks at it from three points of view. For the present there is the fact that the rates of pay he is promised will remain. Secondly, if he is treated unfairly, or thinks he is treated unfairly, he can go to the Governor-General and then to the Secretary of State ; his final court of appeal is there ; he is not at the mercy of any provincial intrigues or things like that. He can go right back to the Secretary of State, and he trusts that officer to see him treated fairly. He asks nothing more than fairness. For the future, he asks that the pension rights he earns shall be safeguarded.

155. *Sir Zulfiqar Ali Khan* : You have just said that in 1923 you fixed the ratio of Muhammadan employees in the civil service at 30 per cent. ?—I am speaking from memory.

156. Roughly speaking ?—Yes.

157. Could you give me a rough idea of the state of affairs before that ?—I have not seen the papers recently. I looked at the discussions for the depressed classes. If you like, I can let you know what the position was before 1923.

158. You have been a Collector in several districts ?—I have.

159. Could you give me your general impression of the Muhammadan representation in the services ?—You get good men and bad men, whether they are Muhammadans, Hindus, Anglo-Indians or Christians. You cannot say the Hindus are bad and the Muhammadans good, or vice versa; you get a mixed bag.

160. What I mean is this. In 1923 you fixed the ratio at 30 per cent. I should like to know the state of Muhammadan representation in the services before 1923 ; was it 30 per cent. or less or more ?—I will inquire and let you know.

161. In any case it could not have been more than 30 per cent. ?—I should not think so.

162. Now you have fixed the ratio at 45 per cent. ?—Yes.

163. But the Muhammadan population is 54 per cent. of the entire population ; the Hindus, Anglo-Indians, Christians and untouchables put together come to 46 per cent. ?—Yes, about that, I think.

The Chairman : That is quite right.

The Witness : 53·55 per cent. are Muhammadans ; 46·45 per cent. are the remainder.

164. *Sir Zulfiqar Ali Khan* : Hindus included ?—Yes.

165. Do you think 45 per cent. is more than what is due to the Muhammadans ?—Those are the orders

* Vol. VIII.

of the Government of Bengal. I am not expressing any view about it.

166. What is your idea ? Is it only what they may legitimately claim ?—I am perfectly content with the present orders.

167. But are the Muhammadans content ?—I am afraid I have never inquired.

168. But the Chief Secretary ought to know the feelings of the people ?—Speaking from memory, I do not think I have ever seen any memorials asking that the 45 per cent. should be increased.

169. But what is the public feeling ?—I expect the Muhammadans are all in favour of it, and the Hindus are probably against it.

170. Against the 45 per cent. ?—Probably.

171. Are the Muhammadans quite satisfied ?—I cannot claim to speak for the Muhammadans.

172. And you have no knowledge of Muhammadan feeling either ?—All I can say is I have seen no petitions or memorials asking that this 45 per cent. shall be still further increased.

173. What is the state of affairs in the judiciary ? —In the judiciary I should think the percentage of Hindus at present in the service is very large.

174. Have the Muhammadans any grievance on that score ?—Personally, I think they have.

175. You have improved their position in the executive ; why have not you improved it in the judiciary ?—We have not the power to do so under the Act of the Government of India—the Bengal, Agra and Assam Civil Courts Act, I think it is called.

The Chairman : That is right.

The Witness : Under that nominations for the appointments to the Bengal judicial service are made by the High Court ; they select, and we have no power.

176. *Sir Zulfiqar Ali Khan* : You have no say in the matter ?—We have no power at all. The High Court select A, B, C, and D, and we simply gazette them.

177. You cannot even bring this disparity to their notice ?—We can write to them and say there is this disparity, but the decision lies with the High Court.

178. But have you ever reminded them of this fact ?—I imagine we have written to them, but I cannot say definitely when.

179. *Sardar Shivdev Singh Uberoi* : With regard to the Indianisation of the Indian Civil Service and Indian Police Service, you said the recommendations of the Lee Commission would be completed by 1939 ?—That was the original programme.

180. May I refer you to page 196 of this document,* which shows the percentage of increase from 1919 to 1927. In the Indian Civil Service there has been an increase of 14 per cent. in eight years, and in the Indian Police Service an increase of 12 per cent. Do you think with this rate of increase there will be 50 per cent. of Indians in both services by 1939 ? —The recruitment each year is worked out on actuarial figures by the Government of India on that basis, and the recruitment is made in accordance with actuarial calculations in order to arrive at that result.

181. Do not you think the speed should be increased if we are to have 50 per cent. of Indians in those services in ten years' time ?—I think you will find that the Government of India calculate the recruitment each year with that object, and that the present rate is sufficient to bring about the intended result.

The Chairman : I have been looking at this myself, Sardar sahib, and I quite see the reason for your question ; but is not the explanation of it this. When you start to apply the Lee Commission principle you will have already in the service a considerable proportion of men already appointed, many of whom will be Europeans. Nobody suggests they should be turned out against their will, but there will be a very rapid loss of such European servants in the course of ten years ; and as their places become vacant, the opportunity of filling them with Indians will increase. I think that is the explanation of it.

182. *Dr. Suhrawardy* : You have said that in 1923 the Government fixed the ratio of Muslim representation in the services at about 30 per cent. ?—In 1923 it was fixed at 30 per cent.

183. Are you referring to a Government circular to that effect, or is it that that was the actual practice ?—I have seen the discussions in the files. Whether a circular was issued I am not sure.

184. We have heard that 30 per cent. in the services has been reserved for the Muhammadans for a long time, but my own experience is that in practice it has been otherwise. I want to know what is your experience. In 1923 did it get better, or what ?—I am perfectly certain that the Appointments department saw that the recruitment each year was in accordance with the rules. Each year we work out what the number ought to be, and that is put at the head of the notes, and the proposals for appointments are made in accordance with those figures.

185. My question was with reference to ministerial appointments as well.—Ministerial appointments—we get a return from every department at the end of the year, and we see that the departments are working to the proper figures, and practically the whole of them are getting near them now.

186. And now you have fixed 45 per cent. for Muhammadans ?—They are practically all nearing the proper figures. It takes some time to get rid of the mistakes.

187. You have just said in answer to Sir Zulfiqar Ali Khan that in the judicial service most of the appointments were given to non-Muhammadans ?—That is my impression.

188. Is not it a fact that such was the case in the executive service also prior to the fixing of the ratio ? —Probably.

189. And is it not a fact that the Government fixed this ratio not as a matter of administrative benevolence, as suggested by Sir Hari Singh Gour, but as a matter of administrative necessity in order to prevent the monopoly of the services by one community, or to prevent the undue preponderance of one community over another ?—I forget what the exact words were in the Government Order ; the greatest good of the greatest number, or something to that effect.

190. It was regarding the population as a whole ? —They declined to accept the population figures as a basis of distribution.

Dr. Suhrawardy : It was not in order to placate the Muhammadans, or as a measure of administrative benevolence, but as an administrative necessity that you took that ratio. Have you any apprehension as to the European services ? I think you did not quite follow the question of Sir Hari Singh Gour.

Sir Hari Singh Gour : I did not put any question at all.

191. *Dr. Suhrawardy* : The Chairman said something about we cannot foresee the future. Was it with reference to the European services that you said that we cannot foresee the future, and that your apprehensions have, therefore—— ?—I understood it was regarding the All-India services, which contain both Europeans and Indians.

192. And have you any apprehensions with regard to the All-India services in the future under the Reforms ?—We have put down what we think at the end of the chapter on the services.

193. I want your own personal opinion ?—My view is that, treated fairly, and given reasonable safeguards, you will get the services to work just as well as they do at present.

194. *Khan Bahadur Faroqui* : Is it not a fact that almost every department of a district board is controlled by the Government departmental officer ? For example, education is controlled by the Director of Public Instruction ?—Guided.

* Vol. VIII.

195. Advice is given, and the district board follows that advice blindly ?—May follow.

196. What more control is necessary now ? For instance, every elected chairman is confirmed by the Government, and in one or two cases the Government has refused to confirm the elected chairman, and somebody else has been nominated or appointed by the Government; so do not you think that the Government has control over the elected chairmen ? —My own idea is that what we would like is the power when a local body goes wrong, to issue an order that it shall be put right. We have not got that power. I will give you a municipal case. A municipality has spent money wrongly. The auditor points it out, and says it is to be recovered. We say to the municipality, " Recover it." They do not, and we are advised that the only possible remedy is that the municipal commissioners as a corporate body shall file a suit against their individual selves to recover the money. Nothing happens, naturally.

197. You can suspend ?—You cannot recover that money until you have suspended.

198. I do not think you can show a single case of a district board acting in that way. All the departmental heads have been pressing their own officials, and are you aware that nowadays the non-official chairmen have a quarterly conference with the divisional officer, sub-divisional officer, and central officer, and they discuss all the administration jointly ?—Does that apply to all districts ?

199. It applies to my district, and certain others ? —I have never heard of that as a general thing.

200. That is the experience that I have known of ? —It is an excellent idea.

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201. *The Chairman* : Mr. Prentice, will you turn to page 195* of the book for a moment. As we are going round India, we observe rather different arrangements in different provinces for appointments to the judicial service. They differ in a very surprising way. Here in Bengal we have, according to you, on page 195,* this, that the appointments to the judicial service are made on the advice of the High Court. I want to know, is it the law that the advice of the High Court must be followed, or is it merely the practice that is followed ?—It is the law that they have the right to select them.

202. And that the selection must be adopted ?— Yes.

203. That certainly is not the situation in some other provinces ?—No.

204. Apart from the question, which we will leave on one side for the moment, the question about which Dr. Suhrawardy and others were asking you, the communal question, is there anything that you know of which makes that system a system that is only suitable for Bengal ? Is there anything special in Bengal conditions that makes it easier to work here than elsewhere, a system by which people who are appointed to the judicial service in a province are appointed by the High Court ?—I do not know anything about what other provinces do.

205. I assure you that many of them do not do that. There are cases in which the Government submits to the High Court the names, it may be, of two or three people, and the High Court makes a report on them, and the Government then chooses ? —What we would probably do if we had the power would be to use our permanent board of selection, and the board of selection for that purpose would include, if they were willing to serve, members of the High Court and other judicial officers. The special boards we have formed for selecting Bar judges have always been boards of judicial officers, and the High Court has allowed one of their members to serve on that board, so that a judicial selection board selects these judicial officers.

206. Apart from this question about communal representation, do you think the existing system works well in many ways ?—From the political point of view the difficulty is that supposing the High Court say, " We are not going to pay any " attention to political matters at all; we will " simply look at the educational and legal qualifica- " tions of the candidates." We can do nothing, and will have one of our provincial services absolutely different in composition from the other provincial services.

207. It has not shocked me so frightfully to be told that a judge having been made a judge is divorced from politics.—Oh, no, it is not a question of divorcing him from politics. Any officer appointed to any service is divorced from politics.

208. Then I have not quite got the point.—For political reasons the Government as a whole has decided that there ought to be, if possible, if there are qualified candidates, certain percentages of communal representation. If the High Court chooses to say, " We ignore that political considera- " tion entirely," Government can do nothing, and the grievance of one community remains.

209. I quite follow. Evidently I did not make my question clear. I said, putting aside any possible difficulty about communal representation, does the system work well ?—I do not see the work of judicial officers. I have always heard the Judicial department does well, but the High Court will tell you.

The Chairman : Thank you very much.

CALCUTTA.

Dated, 21st January, 1929.

PRESENT :

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE AND OF THE BENGAL PROVINCIAL COMMITTEE.

Mr. A. CASSELLS, I.C.S., Secretary, Finance Department, Government of Bengal.

1. *The Chairman* : Mr. A. Cassells, you are Finance Secretary to the Government of Bengal ?—Yes, sir.

2. * * * Would you first of all give us a little information about the sort of settlement which Bengal got in agreement with the Government of India before the Meston Settlement, before the Montford Reforms ? There was a settlement, I think, in 1911, was not there ?—Dating from 1912–13.

3. Would that be when Bihar-Orissa were separated from Bengal ?—Yes.

4. What was the sort of settlement that was then secured ?—Do you wish it in figures or with reference to heads of revenue ?

5. I think perhaps heads of revenue are convenient first of all ?—In the settlement dating from 1912–13, Bengal got half the Land Revenue, except the revenue from Government estates, of which it got the whole; half of Stamps; half of Assessed Taxes——

6. That would be income-tax and so on ?—Yes. The whole of the Excise, and the whole of Forests and Registration : these were the main heads.

7. The whole of Excise ?—Yes.

8. I had the impression it was three-quarters ?

* Vol. VIII.

—It was three-quarters before this ; it was made the whole of excise when this settlement was made. The total estimated revenues, as worked out by the Government of India then, were about Rs. 5,51,00,000 and the expenditure about Rs. 5,45,00,000, so that to balance the Imperial Government required a fixed assignment of Rs. 5,78,000 from the province. That was a temporary settlement ; it was made in a great hurry after the provinces were reconstituted and made into the three provinces of Bengal, Bihar and Orissa, and Assam. The announcement was made in November or December of 1911, and effect had to be given to it from 1st April, 1912, so that everything had to be done in a hurry and the usual method by which settlements were made between the Government of India and the provinces could not be followed ; so the Government of India simply stated what the settlement was to be and the local Government had no hand in the matter at all.

9. Let us just dwell on two or three features of that which seem important for our purpose. As I follow it, the arrangements which were made under what is called the Meston Settlement were arrangements which were based upon a comparison of the past needs of the province, or what were called the past needs of the province, as contrasted with what the province would get under the reallocation of heads of revenue, and that was called the province's additional spending power. Broadly speaking, that is right, is not it ?—I think the Meston Settlement did not consider the needs of the provinces at all. They took, I think, the normal revenue which the province was expected to have in 1919–20, and on the 1919–20 budget they took simply the receipt side.

10. I mean the same thing, I think ; that is why I said " what were called " the needs of the province. They endeavoured to measure the gain the province got by comparing what it used to get under these appropriations with the increased sum the province would get in view of the new distribution of heads of revenue ?—Yes.

11. And they called that, rightly or wrongly (many people think wrongly), the increased spending power of the province ?—Yes.

12. I gather the first point is that the figure which Bengal got before the Meston Settlement in these appropriations and adjustments was, as a matter of fact, a figure by no means favourable to Bengal ? —That is so. It was assumed that the 1919–20 normal revenue adequately met the needs of the province ; but that " normal " of 1919–20 was the result of the normal fixed in 1912–13 (a totally inadequate figure) plus the effect of the war, so that in 1919–20, when our normal revenues came to be calculated, they were naturally much below what they should have been.

13. And you add the point that the arrangement which was made in 1912–13 was intended to be a temporary arrangement, to be revised, I think, after three years ; that the war came ; and do I gather that it really went on from year to year and was not revised ?—Yes. Perhaps I may read what the Government of India then said : " It is obvious, " however, that the method thus adopted " (it is dealing with this method of settlement in 1912–13) " must be in some measure tentative and provisional, " and the Government of India have therefore, with " the approval of the Secretary of State for India, " made for the present a three years' settlement, in " the hope that after the expiry of this period it " will be possible to gauge the needs of the new " province with sufficient accuracy to justify a " permanent arrangement such as other provinces " have already obtained."*

14. By " the new province " it meant the reduced province ?—Yes, the three provinces. Bihar got a similar settlement, and so did Assam. The position is as you have stated it : the figure taken then was below the normal required for the needs of the province.

15. Then what the Meston Committee did was this, was not it : it compared the previous revenue of the province with the estimated revenue which the province would get by distributing heads of revenue between the provinces and the Centre ; and in the case of Bengal it worked out that under the new distribution of revenues there would be what they called an increased spending power of 104 lakhs ? —Yes.

16. And then it proceeded to fix what it thought ought to be the contribution from Bengal to the Central finances in view of the fact that this figure of 104 lakhs had been arrived at. What is the figure they did in fact fix ?—47 lakhs, I think.

17. 63 lakhs, was not it ?—Yes, 63.

18. I am not surprised you do not know, because in fact I understand Bengal has never paid it ?—The contribution was to be 63 lakhs ; I thought you meant the Imperial expenditure transferred to the province under the settlement.

19. Let me repeat it. The Meston Committee estimated the increased spending power of Bengal by subtracting one figure from the other, and they arrived at the figure of 104 lakhs ?—Yes.

20. Having done that, they then determined how many of the 104 lakhs were to be paid by way of contribution from the province to the Centre ?—Yes.

21. And the figure they fixed on was 63 out of the 104 ?—Yes.

22. That is the story, is not it, of the so-called Bengal contribution ?—Yes.

23. What I am not clear about is this. It is only history now, of course, but did Bengal pay it in the first year or did not they pay it at all ?—They paid it in the first year.

24. I mean, it is not uncommonly said that from the beginning of the Meston Settlement Bengal has never paid any contribution to the Central funds at all, and I was not clear whether it did not pay in the first year ?—It paid in 1921–22.

25. *Sir Hari Singh Gour* : And that was never refunded ?—Not so far as I know. Remission was given from 1922–23.

26. *The Chairman* : Just what I thought. We want to trace it, and this is the way my note goes. Perhaps it will be quicker for me to read it, and you will criticise it or check it if you do not think it is right. " Bengal started with an opening balance of " 272 lakhs at the beginning of 1921–22, most of " which, however, was wiped out by the revenue " deficit of 216 lakhs at the end of that year, result- " ing from the revision of salaries." It is the case, is not it, that in Bengal the raising of the salaries of civil servants, teachers and so on took place after the Meston Settlement ?—Yes, from 1921–22—in the first year.

27. You see, it has been pointed out to us that some other provinces may be in a slightly different position. In Bombay, for example, there had been a very substantial increase in expenditure largely due to increase of salaries, before the Meston Settlement ?—Yes.

28. Anyhow, in your case it was after the Meston Settlement ?—Yes.

29. Then the document goes on : " In the follow- " ing year, owing to its peculiar financial difficulties, " its contribution to the Central Government was " remitted after a detailed and careful examination " of its financial position. Additional taxation in " the shape of higher stamp duties and court fees " and an entertainment tax, which was estimated " to yield altogether Rs. 140 lakhs, was also imposed. " By this means and by retrenchment in expenditure, " the province was able to maintain a small surplus " until 1926–27, when for the first time for several " years, the accounts showed a deficit of Rs. 21 lakhs. " The revised estimates for 1927–28 and the budget " estimates for 1928–29 also anticipate small deficits." Is there anything you would like to add or to qualify in that ? That is a very short summary, you see ?

* Letter No. 2078 F., dated 26th March, 1912, from Government of India, Finance Department, to Government of Bengal.

—No, sir; that brings out the point that we have now come to a time when the budget is again in deficit, that the normal expenditure is now exceeding the normal revenue, from 1926–27.

30. And, of course, it is a commonplace, is it not, in the view of those who speak for Bengal finances, that owing to the fact that Bengal is so straitened, there has been very little development of the nation-building services entrusted to ministers, owing to the impossibility of providing additional revenue? —Yes, expenditure had to be restricted all round.

31. I was given just now a few figures—they may be of interest to the Conference—which compare the expenditure of Bengal on primary and secondary education from public funds with the corresponding figure in other provinces. Have you got those figures, or shall I read them?—No, I have not got them.

32. The Conference may be interested in them. They have been checked. Take the expenditure per million of population. You have 46 millions here. Per million of population in Bengal, the expenditure on primary and secondary education from public funds is 1·3 lakhs, and that is the lowest of the whole of India. I will give the figures for the other provinces. In Madras per million of population the expenditure is 3·4 lakhs. In Bombay it is 9·6 lakhs. In the United Provinces it is 2·8 lakhs. In the Punjab it is 4·4 lakhs. In Burma it is 3·6 lakhs. In Bihar and Orissa it is 1·4 lakhs. In the Central Provinces it is 3·1 lakhs, and in Assam it is 2·2 lakhs.

Lord Burnham: That is not conclusive. That figure, of course, depends on the spread of the over-head charges, so to speak, of education over the population.

33. *The Chairman*: Yes, I think that is true. Where you have a smaller unit to deal with, the overhead charges are necessarily higher than in a larger unit. There is another qualification in addition to the one mentioned by Lord Burnham which has been suggested to me, and it is this. It is the case, is it not, Mr. Cassells, that in Bengal the education is imparted very largely through added schools? —Primary education, mostly, yes, and secondary education too.

34. *The Chairman*: So this is only the amount of public money that is being used.

Lord Burnham: Yes.

35. *The Chairman*: There is another figure which I have been given, and which seems an amazing figure to me; I should like to know whether there is any comment on it. I have had given to me the average salary of a primary school teacher; it is in your evidence, is it not?—I think it is mentioned in the volume.

36. It is practically Rs. 10 a month?—Yes.

37. I think Bengal is the province, is it not, excluding Burma, with the highest percentage of literacy anywhere in India?—Yes, I believe so. Perhaps Madras may compare. I do not know the figure.

38. It certainly does not show there has been over-expenditure. I might remind my friends of the Indian Committee that we were furnished in Bombay with some Tables—I recollect that Sir Hari Singh Gour made very effective use of them—which showed really the actual amounts which were being spent in the different provinces on these different services. I was looking at it again last night. In Bombay, for example, in 1919 the amount spent on education was 129 lakhs, in 1921 it was 172 lakhs, and in 1928 it was 209 lakhs. Those are the actual figures in Bombay. On the other hand, if you take the actual figure here in Bengal, with its 46 millions of population, I see that in 1919–20 the amount of expenditure on education was 98 lakhs, in 1920 it was 118 lakhs, and the last figure here is the budget of 1927–28, when it was 140 lakhs. Do you want to amplify that class of consideration or line of argument? It could be done, of course, with reference to medical aid or various things, if you wished?—Yes, I have some figures here bearing on that.

39. Just give them to us shortly, will you?—They are worked out in percentages per head of population. For instance, under the head "medical"—these figures that I have got are for the year 1925–26—in Bengal the expenditure per head under "medical," for medical relief, is 0·12, whereas in Bombay, for instance, it is 0·25; Burma is 0·29. Then in public health, for instance, Bengal spends 0·05; the United Provinces 0·10; Bombay 0·13. In most of these departments relating to the welfare of the people, Bengal's expenditure per head is usually very nearly the lowest of all.

40. I have a number of figures about it. Anyhow, that is the general contention. Now I suggest that we might next take the actual figures of the main heads of revenue here. It is important to see how they are related to one another, and the figures I have got are figures both for 1921–22 and for the budget of 1928–29, dividing them up between Land Revenue, Excise, Stamps, Forests, Registration, and so on. Perhaps it will be convenient for me to read them out. Land Revenue in 1921–22 amounted to 302 lakhs; in 1928–29 to 322 lakhs. Excise in the earlier year was 183, and now it is 229. The next is a surprising figure: Stamps, 274 lakhs was raised from stamps in 1921–22, and 356 in 1928–29. I should be rather interested to know how much of the stamps are due to litigation, how much is judicial stamps?—Judicial stamps, 21 per cent.: non-judicial stamps, 11 per cent. Thus 21 per cent. of the total revenue is due to litigation.

41. The stamps altogether produce something like 32 per cent., and 21 per cent. out of the total revenue of the province is due to what you may call litigation stamps?—Yes.

42. That is an extraordinary figure; it seems to show that one-fifth of the revenue of the presidency of Bengal is drawn because people go to law. I will just mention Forests. Forests produced 19 lakhs in 1921–22, and 35 lakhs for 1928–29. Registration, 25 lakhs in 1921–22, and 41 lakhs in 1928–29. Then there are some odds and ends, and the total is, is it not, in 1921–22, 895 lakhs, and in the budget of this year it is 1,094 lakhs?—Yes.

43. Is Excise, which, as we see, has grown as between 1921 and 1928, likely to be a still further growing figure?—No, the growth is merely an apparent growth. You will see that it expanded suddenly by 12 or 13 lakhs in 1925–26, that was due entirely to a matter of accounting, so the real increase is not as shown. There was an actual decrease.

44. I do not think the detail matters much, but you do not regard Excise as a head of Bengal revenue which is likely to show signs of further growth?—No, it has actually declined since 1925–26, except for a small recovery last year.

45. I want to get it entirely clear. One knows that there is an excise on jute, but that is under the head of Central revenue, is it not?—Yes. This excise relates to drink and drugs, to put it shortly.

46. *Lord Burnham*: Opium?—Country liquor, opium, ganja.

47. Opium is quite important, is it not?—Opium is relatively small. The large proportion comes from country liquor.

48. *The Chairman*: The reflection, when one looks at your heads of revenue and their relation, is that a very large percentage is gained by stamps, and apparently most of it from judicial stamps. Excise, you tell us, is not expanding, and, of course, the Land Revenue condition has got its special features, because of the permanent settlement?—Yes. Land Revenue expands slightly, because Government possesses certain Government estates and certain temporarily settled areas.

49. I think I have been told that out of something like 77,000 square miles in Bengal, 60,000 square miles or thereabouts come under the permanent settlement?—Yes.

50. That is about the figure, is it not?—Yes, it is about that.

51. Then there is some land, is there not, which is free of tax ?—Revenue free, yes.

52. That would be Government estates, and things of that sort. Then there is a certain balance which is periodically re-settled ?—Yes. We have calculated that the annual growth of revenue from those sources is about 2½ lakhs.

The Chairman: Now we might turn to page 83.*

53. *Sir Hari Singh Gour*: May I ask first what percentage of the total is revenue-free ?—I am sorry, I have not that figure with me. I can ask if any information is on record on that point and supply it.

Sir Hari Singh Gour: Perhaps you will kindly do so.

54. *The Chairman*: This is the way the Government of Bengal puts it on page 83*: " No less serious " in its results has been the adoption of an allocation " of revenues which was based on administrative " convenience and ignored important fiscal and " economic differences in the provinces." I think I can guess the answer, but what is referred to there as the important fiscal and economic differences in the case of Bengal ?—The fiscal difference is that the land revenue cannot be enhanced over most of the area. One of the economic differences is the larger proportion of the industrial and commercial community in the province, and the larger proportion of provincial wealth or taxable capacity concentrated in commerce and industry.

55. To put it bluntly, as I follow it, your case is that the head of revenue locally situated here which expands is earmarked for the Central Government, and the head of revenue which in this province in particular is fixed and cannot expand is left to the province ?—Yes.

56. I do not want to embarrass you at all, or to start a long discussion without point, but it may be well to put this to you. Have you got any figure or any set of figures which will give the Conference some idea of how much difference it makes to the province of Bengal that it is living under this permanent settlement ?—That is a very difficult matter, because that point has not been investigated. Some rough calculations have been made, but it would be necessary to say they were very rough, approximate guesses. The revenue authorities in the last few days tried to work out on the information available (which is incomplete) what difference it might make if the permanently settled areas were in future to be settled temporarily and they have come to the conclusion that if administrative arrangements could be made the amount of extra revenue which might be recoverable in future would be less than one crore.

57. *Sir Arthur Froom*: Would it be possible to form some idea from the Table of figures for other provinces ?

The Chairman: You mean the Table at the bottom of page 83* ?

Sir Arthur Froom: Yes. The figure for Bengal given there is Rs. 2,78 lakhs, while the figure for the United Provinces is given as Rs. 7,04 lakhs, and for the Punjab Rs. 4,57 lakhs. That shows what other provinces get compared with Bengal.

58. *The Chairman*: Speaking for myself, Mr. Cassells, I should rather like to see the sort of course of reasoning which leads to that conclusion. I do not feel capable of going into the details, but I should like to know the course of reasoning. Let me put this consideration to you, merely to know if it is a relevant one. The local cess, at the rate of one anna in the rupee, is charged, is not it, in every district of Bengal ?—Yes.

59. Am I right in thinking that when one talks of a cess of one anna in the rupee, the rupee means the present rental value of the land ? It is based, is not it, on the rent paid by the occupier ?—Paid by the actual cultivating tenant, the estimated annual value to the actual cultivator.

60. It would seem to follow (though I appreciate many correcting figures must come in) that one could get at some calculation in that way of what is the present value of that land ?—It would be possible to make enquiries and try to find out what proportion of this rent figure represents the amount of rent paid by the cultivator to his landlord.

61. I do not understand what you mean by what proportion of it. The cess, no doubt, is paid by the zamindar, but it is calculated on a figure which is, is not it, roughly speaking at any rate, the rent paid by the cultivator ?—Paid by the actual cultivator, but the actual cultivator is in many cases not the cultivator who pays the rent, but an under-cultivator, and the landlord can realise rent only from the cultivator according to the Bengal Tenancy Act, who may not be the actual cultivator of the soil.

62. I am not conducting a campaign against anybody; I am merely trying to see if there are not materials to find out what is the present value of the land ?—Yes, it would be possible to make enquiries.

63. *The Chairman*: Would not it be possible to contrast that figure with the figure in reference to which the permanent settlement is supposed to be fixed ?

Sir Abdelkerim Ghuznavi: You could get full information on the subject from Sir P. C. Mitter.

64. *The Chairman*: Yes, but I am wondering as a matter of machinery whether it would not be possible ?—It would be a matter of enquiry, to try to find out. It is very difficult to state from the information at present on record what the result would be. It would require careful enquiry.

65. I am sure of that. Please do not think I want to press you, but when you told me that the estimate made in the course of the last two or three days was what you said, was that the method employed or was it some other method ?—It was another method, based on what information could be got together in the course of a few days. It was based on the records of some districts.

66. Perhaps I might just put this further question about it. Apparently the view that is taken is that while the permanent settlement in respect of the zamindars to whom it applies is sacrosanct, there is not any valid objection to the putting of an impost in the nature of a cess on all land, whether permanently settled or not ?—No, that principle has been recognised and a cess is in force.

67. What is the peculiar sanctity of the cess being one anna in the rupee and no more ?—There is nothing peculiarly sacrosanct about that; it is open to the legislature to revise the amount.

68. When was the one anna cess fixed ?—It is imposed now under the Cess Act of 1880, which combined the two cesses which were in force some years before that.

69. So that this charge or cess has not been changed for nearly fifty years ?—The rate has not been changed.

Sir Abdelkerim Ghuznavi: It is revised every ten years, and the cess collected now is four times as great as was the case twenty years ago.

The Chairman: That is a very interesting observation, because that seems to show that though you charge the same rate of cess, when it comes to the actual amount you collect, that amount is constantly going up. That suggests the value of the land is going up constantly.

Sir Abdelkerim Ghuznavi: In the last thirty years I think the cess has almost quadrupled.

The Chairman: As during the last forty years the rate of cess has not been changed, that means the value of the land has gone up four times.

70. *Lord Burnham*: To what class of land does that statement apply ? It cannot apply to the whole of Bengal, obviously. The value of the whole of the land of Bengal has not been quadrupled in forty years, I suppose.

Sir Abdelkerim Ghuznavi: The public works and roads cess collected has gone up in the last thirty years four times, owing to the fact that revaluations are made every ten years and a fresh assessment takes place.*

* Vol. VIII.

* *Vide* Appendix, p. 405.

71. *The Chairman*: Accepting that view of it, it is manifest that means the value of the land has gone up, though I am surprised it is as much as that. Just tell me this, Mr. Cassells. We are not asking you this morning about any proposals the Government might make, but as far as administrative convenience goes, if the local legislature decided to raise the cess is there any administrative or economic difficulty?—There would be no administrative difficulty. The cess is collected very easily. As to economic difficulty, that is a matter of opinion. Some people hold the people cannot pay; others that they can. Personally (if you want my personal opinion) I think they can quite well afford to pay a higher cess.

72. I want us all to consider with you what are the results of the view which you tentatively put forward, namely, that the fact there has been a permanent settlement in Bengal since 1793 only really means, as compared with the situation if it had not been so, that you lose one crore?—That is the estimate of the revenue authorities. I have not examined it. It is a rough estimate of the amount that might be obtained, if a change could be made now, not of the loss due to the permanent settlement.

73. I am not holding you responsible for it, but it is manifest, of course, that if that (or anything like that) is right, the gravamen of the complaint of Bengal has very little to do with the permanent settlement at all. It is no good repeating that Bengal is in these difficulties because it is faced with a permanent settlement if the right view is that the permanent settlement has made a comparatively trumpery difference?—If that were the only extra revenue that could have been obtained, then of course the argument is not so strong, but whether that would be the real figure or not it is impossible to say; there are so many factors.

74. You would agree, would not you, that that does appear to follow? I do not suggest anybody should lay hands on this ark of the covenant, but after all, if the right information is that it has made comparatively little difference, it follows that it is not really much of a grievance?—It may be the circumstances of the permanent settlement and the fact it has been in existence more than 130 years are factors restricting this estimated increase to one crore. One does not know until one examines the whole position.

75. The next large consideration which occurs to one is this. As we know, you have a very complicated series of tenures here. I am told that sometimes, in some places, you may have as many as fifty interests in the same piece of land?—Yes.

76. Is it correct to say that the intermediate interests, even though they take the profit between the rent they pay and the rent they receive, pay no tax in respect of that profit, either to the province or to the Central Government?—No land revenue, no provisional tax, no direct tax.

77. Everybody pays indirect taxes, of course?—Yes; and they pay their share of cess.

78. That is not paid to the provincial government, is it?—It does not come into the provincial revenues, no.

79. Let me re-state it, and please correct me if I do not state it correctly. Is it correct to say that these intermediate interests, even though they make a profit as between the rent they pay and the rent they receive, make no contribution either to provincial revenues or to Central revenues in respect of that profit?—Yes, no direct contribution by way of direct taxation.

80. Of course, the question as to whether agricultural incomes can or should be subject to income-tax is a question, I imagine, for the Central Government; it is not a question for the province at all?—That is so.

81. Are you able to give us any view as to whether the assessment of agricultural income to income-tax is administratively feasible?—That is a very difficult question. I should not like to give an off-hand answer to that. There are so many things to consider in it, as to whether it would be possible to ascertain the income and then realise it. That is very difficult to answer.

82. *Sir Hari Singh Gour*: That has to be done in all cases?—What the administrative difficulties are wants carefully thinking out. It is difficult to answer that off-hand.

83. *The Chairman*: That is all I want to ask about permanent settlement at the moment, or about agricultural income. Now let us turn to pages 89 and 90 of your book.* I cannot help thinking that on reflection you might perhaps like to give some explanation or qualifying comment about pages 89* and 90*. I see on page 89* that you set out the receipts for the Government of India derived from provinces. I will take the second period, if you like, 1925–26. I take Customs. This is in thousands of rupees. Now, as the Table stands it appears to be stating that, let us say, Bihar and Orissa contributes 1,000 rupees, the United Provinces contributes 5 lakhs, and that Bengal contributes 18 crores. If you mean that Customs are collected at ports, and not generally speaking collected in the interior of a country, I understand you; but it is not, as it stands, is it, quite an accurate picture?—It is not an attempt to trace the incidence of the taxation. Modifications have to be made in respect of that. One provincial Government is not able to calculate that. Modifications would have to be made in respect of the amount which may be said to be earned in the province as distinct from actually obtained within its borders.

84. I am rather intrigued by this figure for Bihar and Orissa, because we have recently been there. As a matter of fact, that is not, in the classical sense, Customs at all, is it? Is it not excise on cotton?—It is shown under Customs.

85. But I think the Customs includes, does it not, a certain amount of excise, and I do not imagine that they levy any import duties, do they, at Patna or Ranchi?—There may be some port in Orissa where it was obtained.

Lord Burnham: There is the opium.

The Chairman: One wants, of course, to consider the position of Bengal with a great deal of sympathy and attention. I cannot help thinking that that particular column is not very helpful as it stands, is it? You see, the man who lives in Middlesex and the man who lives in Lancashire cannot complain that he is grossly overtaxed as compared with the man in Oxfordshire because so large a proportion of customs duty is paid in the port of London or the port of Liverpool, and there are no ports in Oxfordshire.

Sir Abdelkerim Ghuznavi: The answer to that is this. It does not apply to Bombay as to Calcutta. Bombay is a sort of port that serves a large part of India, but the port of Calcutta really serves for Bengal.

86. *The Chairman*: Is that so? (To the Witness): Then I want to have an explanation about your income-tax figure. The income-tax and super tax collected within the province, if we add the two together, the two columns, come to about six crores, do they not?—Yes.

87. Now, we are familiar with this, and the figure is bound to be calculated in this way. That figure, of course, is the figure of income-tax actually collected in Bengal?—Yes, on the assessed income of Bengal.

88. All the branches of the Imperial Bank of India, for example, wherever they are to be found, all pay tax in Calcutta?—It includes some taxes earned outside Bengal.

89. Railway companies?—Yes.

90. *The Chairman*: Shipping agencies.

Sir Hari Singh Gour: Do they pay taxes?

91. *The Chairman*: Some of them do.—Yes.

* Vol. VIII.

92. Then mines ?—Yes.

93. Assam tea gardens ?—Yes.

94. Do not some of the Assam tea companies pay income-tax here ?—Yes.

95. I only want to point it out. That is really, of course, a figure of the tax that is collected in Bengal, is it not ?—Yes ; we point that out later.

96. Oh, you do ; I am not for a moment suggesting you do not. Is there any figure by which you can correct those totals to get the real Bengal contribution ?—We have made no fresh detailed inquiry, but in 1920, before the Meston Committee reported, they were supplied with information at their request, I think, trying to distinguish between the income earned in Bengal and income-tax on income earned outside Bengal ; and from enquiries made then it appeared that about 90 per cent.——

97. This is referred to at the top of page 86,* is it not ?—Yes. No further enquiries have been made since then.

98. Major Attlee wants to know on what basis was that made ? Where did the figures come from ? —The income-tax authorities. There is a note which shows how it was done. It is rather complicated, but a copy of the note can be supplied.

The Chairman : I should like to look at that.

Sir Abdelkerim Ghuznavi : You will find it in the Finance Committee's report of 1920.

99. *The Chairman* : That is the Meston Committee ?—Yes, the note was supplied to them, with the figures. It did not pretend to be complete.

100. Of course, as they were arranging matters it did not become vital to know ?—No.

101. They were separating heads. You draw a distinction, do you not, or the Central authorities do ; you keep a figure which is the assessment of personal incomes ? It is necessary, I think, is it not, for the purposes of differential treatment of tax ? You keep that separate, do you not, from the income of corporate bodies ?—Yes, there are different groups kept by the income-tax authorities.

102. And if I follow rightly, this assessment of personal income, according to the income-tax law of India, is supposed to represent in each individual's case the amount of his income, whether any particular portion of it has already suffered tax or not. Supposing he receives a dividend from a company which has paid tax, the return of his personal income will include that amount ?—Yes, I presume so.

103. Just like our super tax. Then if the figure is accurate, that appears to be a figure which would show one how far residents in Bengal living here are assessed to income-tax. That would form, would it not, a guide as to the relation between Bengal and another province ?—No, sir, our claim has been that residence or domicile should not be the main determining factor, that origin should also be taken into consideration. It is a matter of disputed theory. Practical justice demands, our contention has been in the past, that origin should have due weight.

104. And, of course, everything depends then on exactly what you mean by *due* weight ?—Yes.

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106. *Lord Burnham* : I should like to ask Mr. Cassells whether he can tell us approximately the extent and proportion of tax-free lands in the province of Bengal, which, of course, are not subject, as we know, to any taxation ?—I could not give you the information straight off.†

107. Is it considerable, because I have heard it suggested that if a tax were levied in some form on these lands it would to some extent meet the financial difficulty ?—I should not think it is very considerable, but unless the circumstances of each district are looked into, and the totals made and the figures taken out, it is impossible to say what the position is. That might be done.

108. These lands were granted by the Moguls, for the most part, in return, I suppose, for military or public services of some kind ?—Yes.

109. Free of tax ?—Yes.

110. They pay local cess, of course ?—Yes.

111. No other tax of any sort ?—No direct tax.

112. Have you not considered the question of any sort of tax being levied on them ?—Not as far as I know.

113. In regard to the permanent settlement of lands, is the valuation of 1793 in many cases approximately the same as the present valuation ?—It is very difficult to say that because there have been many changes since then. The assets taken in 1793 were based on very inadequate information at the time and the assessments were more or less based on previous collections of revenue. So there was no thorough investigation as to what the value of the assets of these estates was.

114. I understand that in the case of some zamindars their rental over and above the tax is much less than that in the case of those whose lands have been more recently cultivated ?—The circumstances varied enormously. In the case of places near Calcutta the figures taken for resources were based, at the time of the permanent settlement on the developed condition of the place, whereas in more distant parts the figures taken for resources were based on the undeveloped condition of the estates and they have increased in value much more since.

115. There is a movement in many provinces in favour of getting permanent settlement on the model of Bengal, and in many cases it is suggested, is it not, I think by the Todhunter Committee, that there should be a maximum increase in valuation of lands ?—Yes, but they also pointed out how difficult it was to state what the incidence of land revenue on the value of the land was. No local Government could say exactly to what extent the revenue from the land was a charge on the land, relatively.

116. Cannot they really give any information on the point ?—No, it will require careful inquiries.

117. I do not know whether the Chairman would like that I should deal with return No. 429, sent to the Secretariat by Mr. G. P. Hogg, Special Officer. It is a statement showing the income-tax received by the various provinces since 1921 under Devolution Rule 15. From the statement I see that no income-tax has been received by Bengal since 1921–22. I do not understand it. Would you explain to me ? —Bengal and Bombay have got nothing at all from this rule. This rule was changed purposely in order to give these industrial provinces a share of the income-tax, but its effect has been entirely to the contrary. It has given more income-tax to the other provinces.

The Chairman : The statement referred to by Lord Burnham is also to be found on page 85 of the Bengal Government's memorandum.* May I just remind my friend that it was pointed out to us in Bombay that the intention was to return to the province 3 pies of the tax on any increase in the assessed income of the province, that is, a share not in any increase in the rate of income-tax but of any increase due to a rise in the assessed income, and the rule has worked very hard.

118. *Lord Burnham* : Have you anything to say on that ?—It is obviously unjust that the provinces for which the relief was meant to be given are not getting any relief but that the other provinces get the relief.

119. You have got a claim for arrears ?—Naturally, because money has gone to the wrong persons.

120. *Major Attlee* : In dealing with the question of Central and provincial finances you have got to remember two things, one is the position of the particular Government in financial matters and the other is the position of the province. As a Government, Bengal is very poor financially. What I want to know is what its real status is as a province ; that

* Vol. VIII.

† Revenue Free lands 3,837 square miles.
Revenue Paying lands 67,721 „ „

* Vol. VIII.

is to say, apart from taxation, what is the actual wealth of the province as compared with, say, Madras or the United Provinces ? Take the country-side. Is that richer or poorer than Madras or the United Provinces or about the same ?—It is difficult to answer because I have no personal knowledge of other provinces. But some people will say that the standard of the Bengal cultivator is higher than the standard of some other provinces, Madras or the United Provinces, but I do not pretend to know. I do not know whether any inquiry has really been made to establish the comparative prosperity of people of different provinces.

121. You gave us one crore to be the probable increase in the land revenue.—That estimate of one crore is based on what actually the zamindar would pay in land revenue. He is restricted in realising increased rents from tenants by tenancy legislation ; he cannot realise money beyond a certain limit.

122. I thought you could give an estimate as to what would be the position in Bengal if you never had the permanent settlement ; in other words, if you had the same system of land revenue as many other provinces have ?—It is very difficult to tell unless detailed inquiries are made.

123. In view of the fact that the people in Bengal, due to permanent settlement, are getting away with more money than is the case in other provinces, I should like to know whether the Government of Bengal in the past did not suggest devising some special form of taxation in this regard ?—Income-tax was imposed for a time on agricultural incomes. Before 1921 it was a matter for the Government of India ; the provincial Government had no independent authority to take up questions of that sort.

124. You never put up a case ?—No. As I said, it was a matter for the Government of India.

125. Since 1921 have any efforts been made for imposition of taxation ?—In other directions efforts have been made. We have imposed extra duties on stamps, we have imposed an amusement tax and increased registration fees.

126. These are directed to the general population and not particularly to the population which gets off without paying income-tax on land ?—Yes. But in the former case we could obtain the taxes very easily while in the latter case it would have required years of inquiry before we could get any useful information.

127. Was it never suggested that income-tax should be levied on revenue derived from land in *this* province ?—That was not suggested.

128. Take another case. In the city of Calcutta you have to maintain a costly police establishment. Did you never think of putting that as a charge on Calcutta city ?—That was considered but was found to be unsuitable ; the suggestion was not favoured.

129. Have you ever had any suggestions made to increase the taxation on land values round about Calcutta ? I understand the rent is extremely high in Calcutta ?—The ground rent is permanently fixed in many cases. On some of the lands that belong to Government an increased rent is derived ; they are leased out on commercial rents wherever possible.

130. Can you not have some sort of betterment tax ?—The Calcutta Improvement Trust realises betterment fee when it puts through schemes of improvement, like opening new streets and so forth. But this does not affect the provincial revenues.

131. The question as to whether Bengal under the Meston Settlement is paying too much or too little as compared with any other province really depends on the proportion which the total wealth of Bengal bears to the rest of the country ?—Yes ; that would apply to all provinces.

132. I have the figures given by Shirras in regard to the taxable capacity of various provinces. Bengal comes only second to Bombay, but it seems to me that they are the wealthiest provinces ?—In the matter of actual wealth perhaps no enquiries have been made. If you take all the industrial activities and other activities and consider that the incomes earned in Bengal belong to Bengal, then probably they are the wealthiest provinces.

133. One other question about the revenue derived from judicial stamps. I take it that litigation is not generally done by the village *ryot* and that a great portion of the revenue from this head comes from the city of Calcutta ?—Calcutta provides only one-fifth of the revenue from judicial stamps.

134. Do you say that the Government keeps a list of the money spent in Calcutta and what actually is derived from Calcutta ?—No ; we do not keep a profit and loss account of Calcutta. On the whole I should think that we do not profit from Calcutta ; we may make a loss on the whole because the standard in Calcutta affects the whole of the province as well.

135. Owing to the Meston Settlement, in effect, the *ryots* have to pay towards whatever amenities are given to the citizens of Calcutta ?—Because of the Meston Settlement ?

136. Yes, because you do not get the income-tax which is derived from commercial and industrial concerns. In effect, the country has to pay for the town ?—Yes ; over one-fifth of our income is derived from land revenue which is paid by over one million people. The people who share in the ownership of the land are not all rich landlords ; most of the people who pay land revenue are comparatively poor people. The amount derived from stamps is to a large extent paid by comparatively poor people, because litigation is not all done by rich people. The same is the case with the income derived from registration of documents. So that much of our taxation comes from what you might call the comparatively poorer part of the population. Until we get a very big share of income-tax from the wealthy citizens of the community the present state of things will continue.

137. *Lord Strathcona* : On page 87 of the book,* paragraph 93, you refer to the additional taxation that had to be imposed, and at the end of the paragraph you say : " The feasibility of imposing other " new taxes . . . was considered . . . but it was " decided to be impossible, or inadvisable to attempt " such legislation, partly owing to inherent diffi- " culties in particular cases, and partly owing to the " practical limits set by the reluctance of the legis- " lative council to impose taxes to make up the " deficit due to the Meston Settlement." When you refer to " inherent difficulties," do you refer to further difficulties of collection of taxes ?—Partly that. It would not be worth while passing legislation if the tax to be derived is very small.

138. On the whole, is the collection of your taxes very good here ?—Yes ; practically the whole of the land revenue is collected.

139. When you refer to the reluctance of the legislative council, does that indicate a pious wish both on the part of the council and the Government that this Commission would alter the Meston Settlement and therefore save you the trouble of finding new sources of taxation ?—More than a pious hope. We do not want any special treatment ; we only want that the gap which has been left should be bridged.

140. *Colonel Lane-Fox* : Have you got any means of finding what is the total amount collected from land cess ?—It is about 80 lakhs of rupees.

141. How does it compare with the total figure on which the land revenue is based ?—The valuation of the estates which pay land revenue ?

142. Yes.—The figures are not available.

143. Could you not give any useful comparison, subject to qualification of course, between the real value of the land and the cess paid ? Take the figure of the cess paid by the ultimate cultivator and the figure on which land revenue is based ?—That is to say, the proprietor's interest in the land ; the value of the proprietor's interest as distinct from all other interests in the land ? Is that it ?

* Vol. VIII.

144. Yes.—It might be possible to ascertain that, but there is no figure on record, as far as I know.

145. But there is no means at present of discovering what is the intermediate income which is escaping taxation ? That is, the difference between the man at the top and the ultimate cultivator who is paying the real revenue ?—No, not exactly.

146. But surely that is a matter which could be ascertained ?—Yes, it is a matter for enquiry.

147. It may give you a good deal of trouble, but it would be possible ?—If you take roughly the difference between the cess valuation and the actual revenue paid, it is divided up among large numbers of people and it is necessary to make detailed enquiries in order to find exactly what it amounts to and how it is distributed.

148. One question about the collection of taxes. We were told the other day that there is considerable remissness in collecting taxes in this province ?—I am not aware of it. Any specified tax ?

149. The local Government taxes ?—Municipal rates and that sort of thing ?

150. Yes ?—Yes, there is a certain amount of slackness there. There is no slackness in realising the cesses which are the main sources of income of the district boards, because the Government collects them for these boards.

151. You are talking about the Government collections ?—As regards the municipal collections there is a certain amount of slackness, for instance, the rates imposed by the municipalities.

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153. *Sir Abdelkerim Ghuznavi* : Is it a fact that out of every rupee collected in Bengal almost 11 annas is taken away by the Central Government and you are left only with 5 annas ? I will make my meaning clear. On page 90* of the memorandum, you will find that the total of columns 2 and 3 is 35 crores, which is the amount roughly collected from Bengal, and out of this we are left only with 10 crores. That means that for every rupee collected in Bengal we are left only with 5 annas ?—Yes, the nett amount.

154. Having regard to this fact, is it to be wondered at that the Government is gradually becoming unpopular, because it finds it almost impossible owing to financial stringency to devote large sums of money to education, public health and other nation building departments ? And is it not owing to this fact that there is great difficulty in working the Reforms ?—Yes. One effect of the unsatisfactory financial position is that considerable political difficulties have resulted.

155. We find that we get from income-tax and super tax 6 crores and from jute something like 364 lakhs. Roughly speaking about 9 or 10 crores are taken from Bengal by the Central Government and we get nothing from it ?—Yes.

156. And Bengal has a monopoly in jute ?—Practically, yes, with the exception of small quantities from Bihar and Orissa and Assam, 90 per cent. is from Bengal.

157. *The Chairman* : Are you prepared to tell us in relation to an article in universal demand but produced in one particular country whether export duty is paid by the consumer or by the producer ? —I have no opinion on that. Experts differ on that and I do not know which view is right. But for practical purposes the benefit of the doubt might be given. But certainly politically speaking and from the point of view of those who have to decide and legislate in Bengal they would consider that the existing tax encroaches on the taxable capacity of the province and I do not think they would agree to increase it on the ground that it is paid by the foreigner.

158. *Sir Abdelkerim Ghuznavi* : Is it not a fact that the consumer is only willing to pay a certain amount and he actually pays it and meanwhile by the imposition of a duty the Government intercept the amount of gross purchase price which is otherwise divided between the producer and others ?—On the theory of the incidence of taxation I am afraid I cannot give any opinion. It puzzles many people and I do not pretend to know.

159. Do you not think that the incidence of taxation in Bengal has almost reached its limit ?—Nobody knows sufficient about the incidence of taxation in Bengal or anywhere in India. Detailed enquiries have not been made which can justify any statement like that.

160. We do not base our case on the fact that Bengal is poor as compared with other provinces. But the gravamen of our charge is that while Bengal and also Bombay contribute large amounts to the exchequer, we get very little. For instance, the figures on page 88* show that Bengal contributes 45 per cent., Bombay 40 per cent., whereas the United Provinces contributes 1·6, Bihar and Orissa 0·7, Punjab 1·5 and so on. These figures tell their own tale, do they not, of how badly we are treated ? —Yes. The main point is that the proper share of the taxable capacity of Bengal is not given to the provincial Government.

161. *Maharaja Shahsi Kanta* : Is it not a fact that the zamindar has to pay the cess whether he realises it from the tenant or not ?—Yes. He pays first and he takes the chance of realising it.

162. He gets nothing for his extra expenses in court and so on ?—Naturally he has got to pay his own lawyer.

163. *Khan Bahadur Faroqui* : Could you please tell us the amount of saving recommended by the Bengal Retrenchment Committee appointed by the Government of Bengal in 1922 ?—About 37½ lakhs as a result of the recommendations of the Bengal Retrenchment Committee. That was in addition to other retrenchments which Government had on its own initiative brought into effect previously.

164. To what extent has this recommendation been given effect to ?—The exact proportion I do not know. We had previously retrenched a large amount on our own initiative.

165. I refer to the committee appointed by the Government in 1922 ?—There is a booklet which gives the details which I can supply.

166. You can send a copy to the Commission later on ?—By all means.

167. *Maulvi Abul Kasem* : We have been told in answer to a previous question that the total amount of cess realised in Bengal would amount to a little over 80 lakhs ?—Yes, about that.

168. As you have been a Collector you know how the cess is realised. Would it not be correct to say that if you multiply the cess you receive by 20 you will get gross amount of rents collected ?—That is about the proportion.

169. If you do that you get something like 16 crores as the rent collected in Bengal ?—These are not the rents collected ; that is the annual value of the land.

170. And the actual rent paid by the cultivator ? —It is not the actual rent paid by the cultivator. That is different. The actual rent paid by the cultivator, the statutory cultivator, is much less than that figure. How much less it is impossible to say without an enquiry.

171. Cess is assessed on rent, is it not ?—On the annual value.

172. On the annual rent paid ?—No. The tenant may pay to his landlord so much per acre. He underlets a certain portion of it to an under-tenant who actually cultivates and pays him either in half produce or in rent. The amount taken as cess is based on the valuation on total rental and not on the amount which the zamindar receives from the statutory tenant.

173. The amount paid by the man who actually tills the soil represents the rent paid by him ?—Yes.

174. It will come to about 16 crores ?—About 15 crores perhaps is the rental.

175. Out of this the land revenue received in

* Vol. VIII.

Bengal is a little over 2 crores ?—The land revenue received is about 290 lakhs.

176. Then the 12 crores remain to be divided among the different persons ?—Yes, the actual cultivators, the intermediate tenure holders, or rent receivers and the zamindars. That amount is distributed among some millions of these people.

177. *The Chairman* : After all what he was speaking of is the extent of the difference that it makes perhaps to the zamindar ?—Yes. He is only the payer of land revenue.

178. The position perhaps is this. Supposing that the zamindar is liable to have his land revenue put up from time to time. But at the same time suppose the zamindar is bound by the Tenancy Act and that there will be a whole series of tenants and cultivators. It is possible for both propositions to continue at the same time. One proposition is that the zamindar himself would no doubt have a higher land assessment but not so much, possibly, as has been pointed out, that if you have regard to the actual value of the land, the productivity of the land as measured by the rent paid in kind or money by the actual cultivator is very much bigger than the figures at which land revenue is assessed. Both things might be true and the explanation is that the balance of the difference is spread between all the different interests that are tied up in the land ; is not that the correct position ?—Yes.

179. *Mr. Hartshorn* : Can you tell us how many estates there are ?—There are over 100,000 and over 90,000 are permanently settled and those persons who are recorded in our registers as having a proprietary interest in these estates total over one million.

180. On an average you have more than ten interests in one estate ?—Yes. But one person may have an interest in more than one estate.

181. *Sir Arthur Froom* : One of the grievances of Bengal against the Meston award is that sufficient attention was not paid to increasing expenditure, is not that so ?—Yes.

182. How will your receipts on the main heads of revenue compare with the Meston estimate ? Have you got figures for them ?—No, I have not got figures for all of them.

183. As you know Bombay has a grievance against the Meston award. Perhaps it will be interesting to you to know that the receipts of land revenue, excise and general stamps in Bombay from 1921–22 to 1927–28 are no less than 20 crores short of what the Meston Committee estimated they would be ?—Yes.

184. *Sir Arthur Froom* : Bombay had a considerable grievance. You have the figures there to show that.—You are saying that on the estimate given in the Meston Committee's report. That report said that the rate of increase would be at a certain figure.

185. The Meston Committee put down on paper what the estimated revenue would be year by year. They were working up by percentages. I point out to you that under land revenue, excise and general stamps, from 1921–22 to 1922–27 inclusive, Bombay is short by nearly 21 crores of rupees.—I have worked it out for some heads in Bengal. For excise, for instance, they thought that the increase would be 35 or 36 per cent. in eight years. They took it in that way and assumed that it would increase 4·5 per cent. per annum. Our increase from 1921–22 up to last year works out at 16 per cent. only, in those six years, which means a rate of increase of only 2·6 per cent. against the estimated increase of 4·5 per cent.

Sir Arthur Froom : I think it would be interesting to know how short you have been in land revenue, excise and general stamps.

186. *The Chairman* : I think it is only fair to observe that what the Meston Committee report did in that Table in paragraph 7 was not, I think, to make a prophecy for eight years ahead, but to put on record what in fact had been the percentage of growth for the eight years last past. It may be that an inference was sought to be drawn, but it is not, I think, quite right to say that they put down to two places of decimals what they expected would be the increase.—They based their conclusions on that and spoke about expanding revenues.

The Chairman : What I mean is this. We are, I am sure, always anxious to be absolutely fair ; and I do not know whether the estimate given in this paragraph of the Meston Committee's report can be treated as an estimate for the future. It was an estimate for the past eight years. Then, it may be that they were sanguine. What they say is this : " We append, and shall allude to them hereafter, " some figures which indicate that several of the " provinces, and Bombay in particular, may look for " reasonable elasticity in their revenues, apart from " the income-tax." That was the sanguine note.

Sir Arthur Froom : They estimated on the annual increased percentage of the previous eight years. We can leave it at this, sir, that the revenues Bombay has been drawing has been far short of the estimate of the Meston Committee.

187. Could you explain why the taxation per head, or revenue per head in Bengal is so much lower than that of Bombay, apart from the Central revenues ? The figures given here show that it is 2·5 rupees in Bengal and 8 rupees in Bombay ?—It is because of the allocation of particular revenues to the provinces.

188. The land revenue by itself is not sufficient to account for it. I will put the question in another way. Do you consider that Bengal has a provincial taxation which is adequate ?—That is impossible to say without enquiring into the conditions.

189. Am I right in thinking that this cess which has been referred to, of an anna a rupee goes to the district boards ?—Yes, it goes to the district boards.

190. Is it fixed at an anna in the rupee ?—That is the maximum in the Act. At present the maximum in the Act is one anna in the rupee.

191. *The Chairman* : It has stood at that for fifty years ?—Yes, since 1880.

192. *Sir Arthur Froom* : When other provinces tax at 2 annas in the rupee why should Bengal not do so ?—That principle has been accepted.

193. *Mr. Travers* : There is a proposal now to raise it.—For the purpose of primary education there is a proposal to raise it. What response it will get one does not know.

194. *Sir Arthur Froom* : Your opinion is that district boards and municipalities collect their taxes regularly ?—The district boards have most of their taxes collected for them by the Collector. As I said before the municipalities are somewhat slack, taken as a whole, in realising their revenues. The audit reports always point out large arrears.

195. *Sir Hari Singh Gour* : With reference to the question put to you by Lord Strathcona, you have said here (paragraph 93, page 87, Bengal Government memorandum*) : " but it was decided to be " impossible or inadvisable to attempt such legisla- " tion, partly owing to inherent difficulties in par- " ticular cases, and partly owing to the practical " limits set by the reluctance of the legislative " council to impose taxes to make up the deficit due " to the Meston Settlement." Now, did you put the reluctance of the legislative council ever to the test since 1921 ?—They were tested in 1921 when taxes were imposed under Schedule I of the scheduled taxes rules. No. 5 of Schedule I of these rules is a tax on amusements, and this was definitely selected and put to the legislative council in 1922.

196. How much is that, on the average ?—It is now bringing in about 17 or 18 lakhs. It is mostly a tax on betting. Betting produces about 14 or 15 lakhs, and amusements like cinemas and others produce about 2 or 3 lakhs.

197. I should have thought that the main heads of taxes from which you could have received a very substantial assistance were heads 1 and 2—a tax on land put to uses other than agricultural and a tax on succession or on acquisition by survivorship in a joint family. Did you explore the possibility of

* Vol. VIII.

levying a tax under these heads and did you take the view of the legislative council on those points ?—A tax on succession is still under consideration—the so-called death duties or a tax on succession. It is perhaps a more suitable matter for Central legislation than for provincial.

198. And what about the first item, a tax on land put to uses other than agricultural ?—That practically means building sites.

199. Not necessarily. It may be building sites or converting lands from purely agricultural to horticultural and industrial uses. If you grow things horticultural on the land or put it to industrial uses it ceases to be agricultural ?—We are bound by the Bengal Tenancy Act in areas outside the municipalities, and in these areas you can only affect the status of the men holding the lands through the courts within the limits prescribed by the Bengal Tenancy Act.

200. But did your Government consider the possibility of taxation under this head ?—We did not put it before the legislative council because we thought it was not practicable to put a special tax on land used as building sites.

201. As regards Schedule II of the scheduled taxes rules, you have a very large number of subjects there, and a very important one is a tax on land or land values ?—That refers to cesses. Our existing cess comes under that.

202. No, it includes cesses, but it does not stop there. In this schedule the word " tax " includes a cess, rate, duty or free. Under rule 3 of the scheduled taxes rules you can impose a tax on land or land values to any extent ?—It is for the local authorities to impose the tax.

203. No. You can tax, but the amount of such taxes shall be utilised for the purpose of the local authority, and that would relieve your provincial revenue of a very large incubus that is thrown upon it in the matter of nation-building departments. I see from a note which has been circulated by Sir Abdelkerim that your nation-building departments have suffered because you have not got the money for them. That is a general complaint. You have yourself pointed out that works of public utility and usefulness had to be suspended and expenditure on nation-building departments and public utility departments had to be curtailed owing to financial stringency. Now, therefore, the question that I put to you is this. Why did you starve yourself when you had before you Schedule II which gives you an absolute right and a very ample right to tax land or land values and raise the money required for the local authorities ?—Under Schedule II, the local Government can authorise the local authority to impose taxation, and the tax that the local authorities would impose is a cess. That is recognised as a source of income for the local bodies, and as I said before there is a Bill before the council now in which the principle is recognised of imposing an additional cess for the purpose of education.

204. That is not my point. Rule 3 of the scheduled taxes rules says : " The legislative council of a " province may, without the previous sanction of " the Governor General, make and take into con- " sideration any law imposing or authorising any " local authority to impose, for the purposes of such " local authority, any tax included in Schedule II " to these rules." So, the legislative council of a province may without the previous sanction of the Governor-General, make any law imposing any tax included in Schedule II to these rules ?—Yes, we decided that that was the sphere of the local authorities and that we were not going to encroach on their sphere of taxation.

205. My point is this. We are not here concerned with the local authorities. We are here concerned with the local Government.—If Government imposed it then it would not be possible for the local authorities to impose it as well.

206. *The Chairman* : It stands like this, Sir Hari Singh Gour. I read this particular clause of the scheduled taxes rules like this. The taxes included in Schedule II so far as this particular province is concerned are all imposed for the purpose of the local authorities. The legislative council may either authorise the local authority to do it or may do it for the purpose of the local authority ?—Yes.

207. *Sir Hari Singh Gour* : The point I make is this. You have said, and that is no doubt the complaint of your ministers past and present, that you have not been able to develop your nation-building departments and that the ministry has not been popular on that account, because there has not been enough money for that purpose. I ask you whether your Government never considered the advisability of making laws for the purpose of levying taxes under any of these heads under Schedule II and making them over to the local authorities and thus relieving the financial stringency from which they suffered ?—No, it was not considered desirable to do so after imposing the taxation which we had already imposed in order to make up the deficit which we had. It was felt that the legislative council would not consent to any more taxation of this nature until the grievance was remedied, that we had to impose taxation in order to make good the deficit. Once that is made good, the question will arise and the council may be called upon to impose taxation in order to carry on and improve.

208. I then take it that the real attitude of your Government and your council was that if you were to utilise Schedule I or Schedule II very largely it would weaken your case for a revision of the Meston Settlement ?—We did use these taxes to make good the deficit which we had been left with.

209. You did not do that, because in 1922 you went to the Central Government and the Central Government suspended your provincial contribution. The Central Government acceded to your request saying that you were very hard up, and afterwards the contribution was remitted. Now, my point is this. You said that during all these eight or nine years, since the 3rd of January, 1921, you did not largely utilise the undoubted powers conferred upon you by the Government of India Act to raise money for the purpose of developing your nation-building departments which you say have been starved for want of funds, but for which I say funds were amply available under the taxable powers conferred upon you by this Act.—We considered that we could not call upon people to impose extra taxation for that purpose when they were not getting a proper share of the existing taxable resources of the country.

210. You are going back again to the same point. You say that the Government of India were taking away too much out of us and that therefore we did not tax ourselves ?—We taxed up to one crore in order to make good the deficit, and we thought that after taxing them one crore to make good the deficit, we could not expect them to tax themselves any more for the purpose.

211. In answer to Sir Abdelkerim you said that what was at the back of the members of the legislative council, and I am afraid at the back of your department, at any rate the Bengal Government, was that the Central Government was taking out of you ten annas out of every rupee that belongs to you ?—We do not say " that belongs to us," but we say " realised " within the province of Bengal," and much of it earned in Bengal.

212. Is it not realised under the Act of the Central Government ?—Yes.

213. Such as Customs ?—Yes.

214. Consequently, those are by right levied by the Central Government under the authority conferred upon it by the Central Legislature ?—But the taxes are levied and paid in Bengal as well as in other provinces.

215. So it comes to this : The gatekeeper sees a large amount of money passing through his gate and he says : " I see a large amount of brilliant " coins passing through my gate, and I do not see " why I should not have a part of it although it

" does not belong to me " ?—That is not so ; a large portion of it is earned in Bengal.

216. If in Bombay and other provinces the income-tax is centralised, then you will have no grievance. You say : " We have the taxing power, and we " raise the taxes, and therefore to be logical, the " ports at which these taxes are collected must be " centralised ; then Bengal cannot complain."

Sir Abdelkerim Ghuznavi : May I explain ? It is not merely the case of the money going to the Central Government ; it is the case that the money is earned in Bengal.

217. *Sir Hari Singh Gour* : One more question. You said that most of these taxes come from the poorer classes, as, for instance, on civil litigation, which accounts for one-fifth of it, and taxes on registration and stamp duty other than judicial stamps. Is that your considered statement after examining the figures ?—I did not say the poor classes, but I say that they do not come from the wealthiest class. They are not luxury taxes or taxes imposed on wealthy people.

218. But how much of it is paid by the middle classes and how much by the poorer classes ?—I understood that the middle classes also are included in the poorer classes. I am talking of the comparatively poor class ; I am not talking of the higher class.

219. You mean the middle classes are also poorer classes ?—I mean there is little or nothing which comes from the productive energy of the province.

220. The productive energy of the province has been bartered away ?—No, sir. The jute spinning and weaving concerns which are working within sight of us near Calcutta have produced 48 crores by way of super-tax alone. That is all Bengal energy.

221. As regards these jute mills of Calcutta, do you think that the shareholders are all settled in Bengal ? What percentage of them live outside Bengal ?—That I do not know. Even if they were all outside that is no reason why Bengal should not get anything from concerns working within its boundaries.

The Chairman : I think Mr. Cassells is right. When you think it over, it is a very material factor to be taken into account. There are several other places, for example, the City of London, where the amount of income-tax that is assessed and paid and brought from the centre is out of all conceivable proportion to the amount of its actual productive enterprise. An enormous amount of income-tax is drawn from the City of London because it happens to be the local centre for all the places. On the other hand, Mr. Cassells is entitled to say that great centres like Calcutta are not quite of that sort. There are any number of factories which also do an immense amount of productive work which should go to increase its income. In fact, if you go up the river from Barrackpore you see a large number of chimneys and a great many jute mills.

Sir Hari Singh Gour: But who are the shareholders ? The shareholders are not from Bengal, all of them ?

Mr. Kikabhai Premchand : Jute mills were first started in Bengal by English people. Indian shareholders came later on, after the war.

Sir Hari Singh Gour : The majority of shareholders in jute mills are scattered all over India ?

Mr. Kikabhai Premchand : Not when they were started. The majority of them were started by Englishmen.

222. *Sir Zulfiqar Ali Khan* : You told us just now that by way of local cesses you raise about 80 lakhs annually ?—Yes, that is about the figure.

223. Do I understand that a part of this money is employed for education and sanitation ?—Yes, it is given to the district boards, who use it for education, public health, roads and various activities of the local bodies.

224. Do I understand that landholders who are benefited by the permanent settlement contribute any part of it ?—Yes, the cess is divided. The landlord pays the whole of the cess to begin with, and he is supposed to pass on half of it to the tenant. So, theoretically, it is divided, half paid by the tenant and the other half by the various intermediate landholders. If it is a simple case of landlord and tenant, the landlord pays one anna in the rupee and realises half an anna from the tenant when he takes rent from him.

225. Could you tell me, Mr. Cassells, whether by the permanent settlement the actual cultivator has benefited ?—That is a matter of opinion. I should think he has. Certainly he pays customary rents. Land is divided among agricultural people, including cultivating tenants and various intermediate tenure holders, and the tenant has considerably benefited.

226. So I understand that both the cultivator and the landholder are benefited ?—Yes.

227. Could you tell me whether the landholder can increase his rent whenever he likes ?—Not whenever he likes. He is bound by the Bengal Tenancy Act. It is two annas in the rupee, I think, every fifteen years, and there are various other circumstances also.

228. But he can periodically enhance the rent ? —Yes.

229. Do the Government share in that enhanced income ?—Yes, in respect of the estates of which they are landlords, for example, Government estates. There are certain estates, the permanent zamindaries, for instance, of which Government cannot enhance the revenue.

230. I am asking of lands under the operation of the permanent settlement ?—The figure of revenue payable to Government is fixed. Although the landlord may take an enhanced rent from his tenant. Government cannot take a corresponding enhanced revenue from the landlord.

The Chairman : Perhaps it is very important to bear in mind the actual words contained in the Bengal Permanent Settlement Regulation of 1793 during the time of Lord Cornwallis. First of all when the settlement was made the zamindars were declared proprietors of the areas over which their revenue collection extended and they were made responsible for paying the revenue ; and then it goes on to say that the assessment fixed on the land was declared to be unalterable for ever and the Government specifically undertook not to make any demand on the zamindars, or their heirs or successors for augmentation of the public assessment in consequence of the improvement of their respective estates. So at any rate the words were very clear.

231. *Sir Zulfiqar Ali Khan* : But then do I understand that supposing any future Government intended to impose an income-tax on the revenue, would there be any difficulty about it ?

The Chairman : That is a different matter. It is a different matter because income-tax could be imposed on people who were within the range whether they happened to be the holders of permanently settled lands or not. It is any revision of the land tax which is debarred by the language of the Regulation. I think that is the view that has usually been taken.

232. *Sir Zulfiqar Ali Khan* : I wanted this information specially because once before an attempt was made by the Government of India when Sir William Meyer was Finance Member to impose an income-tax on land revenue, but it was defeated by the Council. I wanted to know whether there is anything in the wording of the Regulation to prevent that ?—It has been held by the Secretary of State that it would not be contrary to the permanent settlement to impose an income-tax upon the income from lands. That is my recollection.

The Chairman : You could not pick out the people who enjoy permanent settlement as special objects for raising such a tax from. It has to be a tax imposed on income on some principle from people generally, whether holding permanently settled estates or otherwise. The best proof of it, if I may say so, Sir Zulfiqar, is this. For about 12 years

between 1860 and 1872 there was in fact a tax on agricultural income. I may say it was put on by a great authority in finance, a gentleman called Sir Alexander Wilson, the editor of the *Economist* newspaper at the time. No one suggests that such a thing is impossible to-day, but it is very difficult to devise the tax. That is the point.

233. *Sardar Shivdev Singh Uberoi*: May I enquire why it is necessary to have so many intermediate agents between the landlord and tenants in this province? It is not so in other provinces?—It is a matter of history, sir. It grew up like that. It first began with large estates from pre-British times. The British Government in 1793 settled them with the zamindars who had large estates. The zamindars could not manage those large estates in the state of the country then. Therefore they had to give pieces of them to other zamindars, taluqdars, or by whatever name they were called, in order to facilitate their management.

234. With regard to the allocation of funds between the reserved and transferred departments, what is the arrangement followed in your Government at the time of the preparation of the budget?—That is done by Members and Ministers meeting jointly and quietly arranging it sitting round the table.

235. There is no set formula?—No.

236. *The Chairman*: Let me summarise the position. It seems to me that the point that has been brought out very clearly is this, that the anticipation as far as Bengal is concerned as to how things would go after the Meston Settlement was certainly to a large extent falsified. That seems to be quite clearly shown, because no doubt it was intended that each province would be able to carry on its existing standard of administration without imposing fresh taxes, and the idea was that everybody would be able to live on his own resources. But in fact Bengal, as we find now, has had to set to work to impose additional taxation not for the purpose of improving its standard of administration, or for the purpose of raising its standard of life, but for the purpose of keeping itself going?—Yes.

The Chairman: That seems to me more or less a fact. The other thing which struck me is that consistent with the population of Bengal the actual amount of money that is raised is strikingly small, and as has been pointed out to us, more could be raised only by further taxation. Those two things seem to be quite clear, but how far they are right or wrong is rather a matter of controversy.

APPENDIX.

(*See* Q. 70, p. 39.)

Letter from Mr. W. S. HOPKYNS, C.I.E., I.C.S., Special Reforms Officer, Bengal, No. 191 *A.R., dated Calcutta, the* 5*th March*, 1929.

During the examination of the Finance Secretary at Calcutta, Sir Abdel Kerim Ghuznavi stated that during the last thirty years, the cess collected has been quadrupled owing to revaluations being made every ten years, although the rate of cess has remained the same. I am desired to send to you a statement which has been prepared from figures supplied by the Board of Revenue, showing the Cess demand for every district in Bengal in which cess is levied in the years 1898–99, 1908–09, 1918–19 and 1927–28. The number of general revaluations which have taken place during these thirty years has varied from one to three in the different districts.

DEMANDS IN BENGAL UNDER THE CESS ACT, 1880.

	1898–99.	1908–09.	1918–19.	1927–28.
1. Burdwan -	3,92,828	6,70,695	7,72,220	9,25,597
2. Birbhum -	1,38,281	1,55,108	1,59,073	1,60,366
3. Bankura -	96,878	1,00,229	1,00,748	2,21,210
4. Midnapore -	3,47,887	3,74,294	4,42,345	7,38,316
5. Hooghly and 6. Howrah	2,25,072	2,28,591	2,29,004	3,03,723
7. 24-Parganas -	2,37,717	3,43,525	4,58,745	5,34,707
8. Nadia - -	1,54,960	1,83,111	1,93,512	3,23,131
9. Murshidabad -	1,44,752	1,55,012	1,76,730	1,80,639
10. Jessore - -	2,03,062	2,01,089	2,26,174	4,45,739
11. Khulna - -	1,60,147	2,28,978	2,60,797	2,78,936
12. Dacca - -	1,76,340	2,36,058	3,30,920	3,29,822
13. Mymensingh -	3,67,871	4,40,081	5,07,149	6,96,466
14. Faridpur -	1,40,494	1,44,613	2,28,956	2,38,438
15. Bakarganj -	4,08,129	4,66,084	4,97,406	5,14,068
16. Chittagong -	1,77,101	1,79,350	2,49,162	2,49,817
17. Tippera - -	2,25,792	2,58,862	2,99,115	3,32,053
18. Noakhali -	1,50,124	2,14,769	2,23,247	2,43,494
19. Rajshahi -	1,83,760	2,12,517	3,02,292	3,36,681
20. Dinajpur -	1,63,790	2,13,861	2,41,303	3,09,915
21. Jalpaiguri -	1,32,576	1,62,795	2,37,631	2,48,251
22. Rangpur -	2,70,038	3,59,568	3,84,076	4,92,737
23. Bogra - -	1,00,094	1,16,637	1,31,332	1,31,720
24. Pabna - -	1,15,078	1,53,087	1,61,293	1,63,767
25. Malda - -	65,009	84,815	1,17,589	1,71,745
26. Darjeeling -	35,566	45,557	61,522	76,573
Total - -	48,13,346	59,29,286	69,92,341	85,11,566

CALCUTTA.
Dated, 24th January, 1929.

PRESENT:

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE AND OF THE BENGAL PROVINCIAL COMMITTEE.

The Honble. Sir GEORGE C. RANKIN, Chief Justice, High Court of Judicature, Calcutta.

1. *The Chairman*: Gentlemen of the Conference, the memorandum* which we have particularly to consider this morning is one submitted to the Commission by the Chief Justice and the Judges of the High Court here in Bengal. Sir George, are we to understand that this interesting and important document is the result of consultation between you and your colleagues, and represents your joint views?—Certainly, yes.

2. I call attention at once to the first sentence, because it is a very important matter. The Chief Justice and Judges of the High Court in Bengal "desire to represent to the Indian Statutory Commission desirability of all High Courts in India "being put under the Government of India for "administrative purposes and in particular of this "Court continuing to be under the Government of "India for administration and being made independent of the local Government as regards finance." What I propose to do, in an effort to help my colleagues and clear the ground, is to ask the Chief Justice to give us a short description of what the present position is in the presidency of Bengal, and then in each case to indicate, as he will be well able to do, how that contrasts with the position in some other parts of India; and I think it is desirable to

* Pages 430–432 below.

take the matter under several heads. Let us first of all take the question of the creation of the High Court itself, its jurisdiction and its authority to act. Then let us take, secondly, the question of the appointment from time to time of the judges of the High Court. Then let us take, thirdly, the question of the other members of the machine connected with the High Court, such, for example, as registrars and masters.

Sir Hari Singh Gour: Ministerial staff.

The Chairman: Ministerial staff; quite right, Sir Hari Singh; and also, I suppose, such persons as ushers.

Sir Hari Singh Gour: They are all ministerial.

The Chairman: Thank you very much; it is a very good expression; the ministerial staff of the High Court. Then let us take, fourthly, the question of the subordinate judges in a province, whose appointment and control, it will be found, is closely associated with the administration of the High Court.

Sir Hari Singh Gour: Will you deal with the subordinate judges or the subordinate judiciary, the difference being that the subordinate judges are on the civil side, and the subordinate judiciary would be on the civil and criminal sides.

The Chairman: I took it as meaning the civil side. Then I take it that would be the correct expression?

Sir Hari Singh Gour: Yes.

The Chairman: Then there will be the question of what we may call the subordinate criminal courts; and on each point in these five matters there will be, of course, the question of finance, both the source from which the money comes, and the extent to which the money is votable or non-votable. Now, Sir Hari Singh Gour, you, as well as the Chief Justice, served on a very important committee on this matter. Are those five heads which occur to me on thinking it over, heads which provide a convenient scheme?

Sir Hari Singh Gour: Yes, I think so.

The Witness: I think so. They seem to me to cover the ground.

The Chairman: That seems to me a useful way to do it, because it is a very important question. Let us take them in turn. Let us take, first of all, the question of the actual creation of the Court.

Sir Hari Singh Gour: And would you like to add incidental charges, for instance, improvement of the High Court building, and its reconstruction?

3. *The Chairman*: I will include that, if I may, under the third head, ministerial; we might call it ministerial and incidental High Court expenses. I want to get a picture of the whole thing. Now let us take, first of all, the question of the creation of the High Court, and its authority, its jurisdiction to decide cases. So far as that is concerned, broadly speaking, does that depend on Letters Patent issued by the Sovereign, or does it depend upon enactment, whether in Britain or in India?—It depends upon Letters Patent issued under the authority of a Statute. Our Letters Patent was issued in 1865 under the authority conferred by the High Courts Act of 1861, which is now replaced by certain sections of the Government of India Act, from about Section 90 onwards. Clause 44 of the Letters Patent is to the effect that the provisions of the Letters Patent shall be subject to alteration by the authority of the Indian Legislature. If you will look at the new clause which was introduced in 1919 into the Letters Patent of all the High Court, you will find that it is within the competence of the Indian Legislature to make an alteration in the Letters Patent.

4. I see. That is no doubt the ultimate power; but in fact I gather that the constitution of the High Courts in India is to be found by examining the Letters Patent?—That is so.

5. I might, perhaps, just point out to the Conference that, broadly speaking, that is the position, or much like the position, in England and in many parts of the Empire; that is to say, that the High Court in England does not really depend upon a specific Act of Parliament which created it, but it has rather a prerogative of legislative origin?—I am not up to date in these matters at Home, but I understand it was changed about two years ago by an Act of 1925, which did give legislative authority, and made a code of it.

7. That was merely making a code of it; but the story is the same everywhere. Obviously the administration of justice is one of the things which must proceed, at any rate at an early stage, from the authority of the Sovereign. The Sovereign is the fount of justice, and he naturally sets up people in order to administer justice, and therefore that sort of arrangement, Letters Patent or the exercise of some prerogative power, is common in all parts of the British Empire. I do not think there is anything to object to there. Now, what I want to be clear about, as regards that, is the way in which the High Courts are in fact created and given jurisdiction. Is there, in substance, any difference between Bengal and other parts of India?—I should say not.

7. *The Chairman*: You would agree, Sir Hari Singh Gour?

Sir Hari Singh Gour: The Bengal High Court has certain exceptional powers, but the mofussil High Courts have not.

8. *The Chairman*: Yes; I meant the source of the authority. Their authority may be different, but as I understand, they are all set up in the same way. To that extent the things are the same?

Sir Hari Singh Gour: Yes.

Sir Abdelkerim Ghuznavi: Yes.

9. *The Chairman*: Then as regards the second point, which is the selection of the individuals who act as judges of the High Court, just tell us, if you kindly would—I would sooner you stated it than that I attempted to do so—how does that stand in British India?—That stands in this way, that by the terms of the Government of India Act there must be one-third of the judges barristers, there must also be one-third of the judges from the Indian Civil Service. Subject to these restrictions, the appointments to judgeships are made by the Secretary of State.

10. And assuming that the individuals appointed have got the necessary qualifications (which, of course, is a subsidiary point), the appointments to the High Court bench are made by the Secretary of State?—Yes.

11. I imagine, although you cannot always write these things down in a Statute, that the Secretary of State consults and receives advice from appropriate authorities in India; it must be so?—Yes.

12. And, as I imagine, if you take another province, leave Bengal out for the moment, as it is rather a special case, I suppose the position is that the provincial Government has the opportunity of expressing its views or giving advice? It passes through the Government of India, and after due consideration what is thought to be the best appointment is made?—That is so.

13. Now, is there any difference in that regard as between the High Court of Bengal and the other High Courts?—No, although this High Court is not under the local Government for the purposes of administration, my experience is that His Excellency the Governor of Bengal is always asked for his advice upon any question of appointment to this bench.

14. You draw a distinction in this country which, to an English lawyer, is a little strange, and you will sympathise, therefore, with my question. In addition to the ordinary judges you have what are called additional judges, have you not?—Yes.

15. What is an additional judge, except in the sense that he is additional?—He is really a judge who is appointed for a short time. The Government of India has power to appoint for not more than two years at a time, and when a High Court gets into arrears, instead of doing, as is done at Home, appointing a judge, and then if the work has got into proper form the next vacancy is not filled, what is done here is, you keep your cadre of substantive judges as it was, but you appoint, say, two additional judges for a year or two years to try and overtake the

arrears. In some Courts, however, including our Court, the substantive cadre being found to be insufficient, judges tend to go on being reappointed as additionals for more than the two years, in some cases for long periods.

16. My colleagues of the Conference may like to be reminded that you will find it all in the red book, the Government of India Act, section 101, subsection (2): "Each High Court shall consist of a "Chief Justice and as many other Judges as His "Majesty may think fit to appoint: Provided . . . "(i) the Governor-General in Council may appoint "persons to act as additional judges of any High "Court, for such period, not exceeding two years, as "may be required." There again, what I want to know is, so far, is there any distinction in substance between Bengal and the other provinces of India?—No, none whatever.

17. Now we can pass to the third point of the five things I suggested; that is to say, what I was told would be properly called ministerial appointments and other incidental expenses connected with the High Court; you cannot have a High Court consisting of nobody but High Court judges, just as you cannot have a Commission without secretaries; you must have registrars and masters, and probably quite a considerable staff of persons exercising ministerial functions in connection with the High Court. In addition to that, you must have, of course, a building, and it has to be repaired and warmed and lighted and guarded, and so forth, and you must have ushers, messengers and door-keepers, and all the rest of it. I will deal with finance in a moment. First of all, how is the administration of that part of the subject of the High Courts dealt with in India?—In the first place, the Chief Justice is charged with the administration of it under the Letters Patent, and also with a power of appointment of the necessary officers, subject to the sanction of the Government of India, and it is his business to do the ordinary day-to-day administration—questions of pension, questions of pay, questions of everything—all the officers in the High Court. As regards finance—well, you said you would come to finance later; I had better not go into that now.

18. I think the time has come for that. We will leave out the matters with which the High Court or the judges are concerned in the mofussil, and come to them in a moment. They are very important; but taking these three heads, the constitution of the High Court, the selection of the individuals who are the judges, and the organisation and administration of a series of ministerial services and posts, obviously we now come to the question of how the money to pay for all this is to be found, and who provides it?—Yes.

19. Taking now the High Court judges themselves, we understand, first of all, it is the same all over India; the salary of High Court judges is non-votable, is not it?—Yes.

20. What is the position as regards the last head, ministerial incidental expenses in connection with the machinery of the High Court?—As regards that, it is somewhat special in this High Court. The whole of the cost of the High Court office has to be borne by provincial funds, but the grants which are asked for by Government when budget time comes round are grouped in certain ways. Salaries is one head; Allowances is another; and there are Honoraria and Contingencies. When the Reforms came into force in 1921 salaries which were not non-votable had to be laid before the local council and passed by vote. The question then arose as to whether officers appointed under the Letters Patent should properly be in that position, and whether their salaries ought not to be non-votable. This question was rendered somewhat urgent by an unfortunate controversy which took place at the time, and which I need not now go into; but the result was that, under the power to give a ruling which is vested in the Governor by section 72D of the Government of India Act, Lord Lytton ruled that the salaries of what I may call the ministerial establishment of the High Court were to be non-votable. Apart from salaries, on any question of allowances, honoraria, supplies and services or contingencies the establishment of the High Court comes before the legislative council in Bengal in the ordinary way, included in various demands for grants.

21. And therefore may be either voted or rejected?—Yes.

22. If I follow it, this is what I want my friends of the Conference who may not be familiar with it from personal experience to consider. The position is this, is not it? I am leaving out the mofussil organisation. Outside Bengal and Assam—in the rest of British India—the salary of a High Court judge is non-votable, but it comes from provincial resources?—Yes, and that is true here also.

23. In Bengal and Assam does the salary of the High Court judges come from provincial resources?—Yes.

Sir Hari Singh Gour: Assam only makes a contribution to Bengal, sir.

24. *The Chairman*: Yes; the Calcutta High Court covers both, because Assam has not a High Court of its own. There is no difference there?—No difference.

25. As regards the expenses of what are called the ministerial and incidental charges associated with the High Court, subject to some exceptions you have indicated they are, broadly speaking, votable?—Yes.

26. Is it correct to say that both in other provinces and in Bengal they are votable by the local council, and of course come out of provincial funds?—Yes, that is the broad position. I will not trouble you with exceptions that do not matter.

27. Then I want you to explain to us, now I have got as far as that, what is the real substance of the distinction between the position of the High Court in Bengal *vis-à-vis* the province, and the position of the High Court in another part of India *vis-à-vis* its province?—The High Court of Bombay, for example, not only has its charges borne upon provincial funds, but the Government of Bombay has the administrative control of the High Court of Bombay. It both pays the piper and calls the tune. In Calcutta the administrative control of the High Court is vested in the Government of India, but the Government of Bengal has to find the money. We have a triangular system by which to some extent the Government of India administers and the Government of Bengal pays.

28. I wish you would explain to me, giving me two or three useful illustrations, what you mean when you say the Government of India administers the High Court?—Take the case of the Chief Justice writing up to Government to say that the records of the High Court have got into a bad condition, and that he must have the services of, say, half a dozen clerks for the next year to reorganise them; or writing up and saying that the staff of the English Office has no proper leave reserve and that two more men should be added to the cadre to enable him to run the office properly. That in my case would have to be done by writing to the Government of India. The Government of India when it got my letter, if it saw no objection in principle, would forward the thing to the Government of Bengal for its remarks. The Government of Bengal, if it had no money, would write up to the Government of India giving various reasons why this should not be found, and then by the time it came back to the Chief Justice the probability would be that the Chief Justice would either have to represent to the Government of India that this would not do, and try to get the Government of India to persuade the Government of Bengal to find the money, or put up with the refusal.

29. Contrast that with a corresponding case in which the Chief Justice of one of the other provinces?—In that case he would deal only with his own local Government. He would write, say, to the Government of Bombay, saying what he wanted, and the Government of Bombay would give it him or refuse it him as they thought fit.

30. If one was to assume a real difference of opinion, you might have the situation that the Central Government would decide that a particular thing should be done or that a particular provision should be made or a particular ministerial post created or filled up, or even I suppose that the High Court should be repaired, and the other body, the provincial legislature, which has to pay for it, might say, " We are very sorry, but we cannot pay for it " ?—Yes, that is the position . It is possible, as a matter of fact. I do not want to go into back history, but something very like that has occurred ; I mean, there have been differences of opinion, between the Government of India and the Government of Bengal as to whether the High Court should get something that it wanted.

31. I gather you do not regard that particular arrangement as a satisfactory one ?—No, and I understand from my friends in the Government of Bengal that they regard it as unsatisfactory from their point of view.

32. First of all with regard to Bengal itself, what is the recommendation which you and your colleagues of the High Court would make to the Conference as regards this very important matter ?—Our reference is with regard to all the High Courts in India in the first place, and with reference to ourselves in particular in the second place, that the charges of all High Courts should be put upon the Central revenues, and that the administrative control of all High Courts should be done by the Government of India and not by the local Government.

33. That would mean bringing the other High Courts (other than the Bengal High Court) into line with the Bengal High Court as far as the administration of them is concerned, and shifting (both in the case of the other High Courts and of this High Court) the liability to find the money from the provincial to the Central revenues ?—That is so.

34. Of course, I have not come yet to the question of how this would bear on the organisation in the mofussil, but let me put this question to you. I am asking purely for information. Is there any serious reason, apart from the historic reason, for treating the Bengal High Court in a different way from, let us say, the Bombay High Court ?—There is the reason that the Calcutta High Court is the High Court for two provinces, namely Bengal and Assam. Apart from that I do not know that there is any substantial difference, and I think it is true that the reasons which influence us would apply with equal force to another province.

35. One appreciates, of course, that there are historic reasons. There is a kind of primacy about the High Court of Fort William ; that one appreciates ?—I confess we have a certain sentiment in the matter, but we appreciate we cannot come before you on grounds of sentiment alone and we do not want to trouble you with that aspect of it. But we have a sentiment about it which is very strong.

36. Well, sentiment is a very important thing to consider in human affairs, and tradition, too, in proper cases ; but it does seem rather strange that there should continue indefinitely this difference as regards the organisation of the High Courts of Justice in different parts of India. You say that apart from history and sentiment there is nothing to explain it except the fact that Assam falls under your jurisdiction ?—Yes. Our point of view is that we do not want the difference to continue ; we want everybody to be put on the same footing, but we want that footing to be the right one.

37. Now I want you to come to the second part of the matter which we have, I think conveniently, tried to divide up. That has to do with the relation between the High Court and the subordinate judges and courts in the mofussil. I need not point out to you, Sir George, though I may perhaps inform some of my Indian friends here, that to an English lawyer all this is rather strange ; it is something to which we have no analogy ?—Yes.

* * * * * * * * *

The Chairman : * * * You have in the districts a number of courts, not, of course, High Courts, but courts which are administering civil justice. As I follow it, the principal court in the district would be the court of the district judge ?—Yes.

43. Also the sessions judge, but in his civil character the district judge ?—Yes.

44. The Commission have met several of these gentlemen, and we appreciate the sort of position they hold. Then I follow that in the district there would also be, would not there (still on the civil side), subordinate judges, though they do not always have the same name in different places ?—That is exactly right.

45. You talk about munsifs, and second, third or fourth class subordinate judges. The names do not matter ?—Yes.

46. The district judge will hear a large number of important civil cases. Has the High Court anything to do with his appointment ?—They are appointed by the local Government, but the local Government does consult the High Court and gets a certain amount of advice, which it generally takes ; but the High Court does not appoint or deal with the postings of district judges at its own hands.

47. Is it the case here in Bengal that the Government before it appoints a new district judge will consult the High Court or the Chief Justice ?—Yes. I was speaking of postings as well as appointments. The great majority of district judges come from the Indian Civil Service, and they come up in the ordinary way into the judicial branch, and then they get, first of all, the appointment of acting district judge. That is really under the control of the local Government, and the various rules that govern the entrance and promotion of people in the India Civil Service but we are consulted.

48. We will pass from that now to people who, from the point of view of status, are subordinate to them, the subordinate civil judiciary. I do not want to go into the technicality of that, but I want to understand what is done. What has the Chief Justice, or the High Court, got to do with the appointment of the subordinate civil judiciary ?—The High Court, by the terms of the Bengal Civil Courts Act of 1887, has got the power to nominate to the local Government such person as it thinks fit to be appointed, and the local Government shall appoint him accordingly. That is section 7 of our Civil Courts Act.

49. If I follow that rightly, the result of it is that although the actual signing of the authority may be done by others, it is true to say that it is the High Court that selects the man ?—It is, yes.

50. No doubt that is regarded as a security for impartiality and the like ?—Yes. I ought to say that the local Government has power to make rules as to the qualifications of persons to be appointed to the office of munsif, and when these rules are properly made under the Statute the High Court is obliged to observe them.

51. However, here in Bengal, if one goes into the mofussil, and comes across these gentlemen who hold these posts, we may take it that they are gentlemen who have been selected by the High Court ?—Yes.

52. In point of fact, is it the Chief Justice, or a committee of Judges, or how is it done ?—Like all our administrative work, it is done by the senior civilian Judge, whom we call the Judge of the English Department, in consultation with the Chief Justice, and on points that require further consideration, in consultation with what we call our English Committee, which is at the moment a committee of six judges, including myself.

53. I think you can tell us, and in any case our very well-informed secretariat can help us, how this compares with other places. I will state it as I understand it. In Madras, I think, they have, roughly speaking a corresponding provision ; that is to say, the subordinate judges in the Madras Presidency in effect are selected by the High Court ?—Yes.

54. The same thing is true in Burma, I think. It is not so elsewhere ?—Excuse me, I think that you will find that Bihar, and also the province of Agra, have got practically the same arrangements. I am bound to tell you that Bihar has a much better arrangement than we have, in that they have a provision for probation for those people that are appointed; but they act, I think, under the very same Statute.

55. I was speaking too hastily. What I meant was, if one went to Bombay, it is not quite the same ?—It is not quite the same there. In Bombay and in Sind the local Government does it on the recommendation of a mixed committee, which consists of judges and certain other persons.

56. And do you happen to recall, or can you conveniently tell us, how the thing stands in places like the Punjab or the United Provinces ?—As regards the United Provinces, you have there a different arrangement in Oudh and in Agra. Of course, the Allahabad High Court is really the Court for Agra only. They have an arrangement which, in form, is I think exactly the same as ours, but their way of working it is different; I mean, the internal arrangements of the High Court for working it are different. As regards Oudh, I think it is done by the local Government on the recommendation of the Judicial Commissioner, as he used to be. What it is since it was made a Chief Court I am not informed.

57. Anyhow, the substance of it seems to be this, that in greater or less degree the High Court has a voice, and in many cases the determining voice, in selecting the subordinate civil judiciary, though it may be that the subordinate civil judiciary is in fact appointed by the Government ?—Yes.

58. And I imagine that owing to the fact that you hear so many appeals, you begin to form a pretty good view of various people's capacity and quality, and so forth ?—That is so, as regards promotions.

59. I was going to ask you that next. What about the promotion of people who are already in the ranks of the subordinate judiciary ?—We have in this province the lowest grade, the munsif, then subordinate judge, and then district judge. Now, we appoint the munsif. When it is a question of promoting a munsif to a subordinate judgeship, we are always asked, and make a recommendation, which in practice is always accepted. Technically the position as regards promotions is not quite the same as the position as regards appointments, but in practice there is no difficulty. We make our recommendations, and Government acts on them.

60. I do not think the Conference need go into further detail, because the importance of it is not the detail, but how this fits into a constitutional scheme, and particularly with reference to your suggestion or proposal that the model of Calcutta should be followed, and that the other High Courts should take up the position of Calcutta, so far as regards the Central Government's administrative control ?—Yes.

61. Do you find in practice, here in the province of Bengal, that there is difficulty in working the system of appointing, and it may be promoting, the subordinate judiciary, which, of course, is a provincial thing ? Do you find in practice that there is difficulty about that, in view of the circumstance that the High Court is, for administration purposes, under the Central Government ?—No, we have never found that that fact had made it in any way more complicated or more difficult to discharge our administrative duties as regards courts that are under the local Government. We have found, in fact, that to be a great advantage, in our opinion, from time to time. We regard ourselves as advising the Central Government within a certain range, and exercising statutory duties of our own within a certain range, and we stand by that. We have never found that it is impossible to be administered by the Central Government, and also to assist in the administration of the subordinate court.

62. I mention it, because I have heard the criticism (I think you will agree it is a criticism) in other parts of India. It is said that you must keep the High Court for administrative purposes a provincial topic, because the High Court has very important work to do in connection with selecting the subordinate judiciary, which is a provincial topic ?—Yes.

63. And that if you divorce the High Court from the province, you will no longer be able to secure the smooth working, the satisfactory working, of that part of its functions which consists in helping to select the subordinate judiciary; that, so to say, they get out of touch. What I want to know is whether, in your experience, you think that is a criticism that is justified ?—I do not. I think it is theoretical, and without any basis in practice. I do not see that it will make any difference for this purpose if the administrative control is with the Government of India, and the High Court's own budget is borne from Central revenues.

64. Now comes a more serious question. You do, do you not, in the High Court yourselves exercise very important administrative functions, functions of supervision over the subordinate judiciary ?—Yes.

65. Does the High Court actually determine where they sit, and what they do, and that sort of thing ?—The High Court has a say in where they sit, but I think that is technically a matter for the local Government. I mean, the question of changing a munsif's court from *here* to *here* would be a matter in which the High Court would be consulted, but—I am speaking off-hand—I think the ultimate voice is with the local Government.

66. *Lord Burnham*: What do you mean by local Government ?—The Government of Bengal, as distinct from the Government of India.

67. As a whole ?—The Government of Bengal acts by my very good friend the Honourable Member, Mr. Moberly, at present.

68. *The Chairman*: That raises that point sufficiently. I want to give others an opportunity of putting questions. I think we ought to keep ourselves to the constitutional structure; it is a very important thing; and you will notice that you have an opportunity of helping us not only about the Calcutta High Court, but about the High Courts of India. The last point that was mentioned by my friend Sir Hari Singh Gour was as regards the courts dealing not with civil but with criminal cases. Have you anything to do with appointing the subordinate magistrates for that ?—No.

69. Presumably their decisions come up to you, or may come up to you, on appeal ultimately ?—Yes.

70. But that is a matter with which the local Government deals; you have nothing to do with it at all ?—No, we have certain rights, I believe, of inspection. When a High Court judge goes to inspect a district, which is not very often, I understand the habit has been for him to inspect the magistrate's court as well as the civil court; but speaking broadly, that department is not the judicial branch of the provincial service, but the executive branch of the provincial service.

71. If I remember rightly, the gentleman who is called the district and sessions judge, in his character as sessions judge himself exercises some supervisory functions ?—Indeed, a great deal, both as district and as sessions judge. They are overloaded with administrative duties of a heavy character.

72. Now let us return once again to the provincial side on this aspect, this machine of subordinate justice for civil cases, what we might call our county courts, petty courts of various kinds in England. Like everything else in this world, it has got to be paid for, and at present I gather, whether in Bengal or in other provinces, the expense of it—no doubt it is partly met by court fees—as far as public funds are concerned falls on provincial funds ?—Yes.

73. And that is the same everywhere ?—Yes.

74. Is it part of the suggestion which you and your Judges make that they should become a Central expense ?—No, no part of it.

75. Then you would leave it so ?—Leave it provincial.

76. Then to sum it up, as you recommend, you

suggest that there ought to be some end put to the present disparity of treatment between Bengal and the other provinces; you think there ought to be a common system for the different provinces?—Yes.

77. You think that the selection of the judges for the High Court should go on as it is now, in substance?—Yes.

78. You contemplate that the High Court would continue to play the same part as it does now in the administration and the supervision of subordinate justice?—Yes; but on that I would like to interpolate something.

79. You shall in a moment, certainly; but you suggest that the expenses of the High Court, whether votable or non-votable, should be Central: is that right?—Yes.

80. And at the same time that when we come to the mofussil, the subordinate justice, the expenses of that should remain provincial?—Yes.

81. I think you had a qualification you wanted to make?—One question of great importance about which the court, as a court, is not unanimous and has not thought it right to make any representation to the Commission is the question whether the High Courts should continue to exercise administrative functions in respect of the lower courts at all. I have an opinion of my own, which I desire to say is not put forward in the name of the court, to the effect that the increase or sharpening of democratic institutions makes it difficult for a court as a court to be entrusted with administration. The High Court can neither fight for its grants nor defend its policy in administration on the floor of the Bengal legislative council. It is a question (which must not be taken as one on which we are all agreed) whether the true solution would not be, as far as possible at all events, to remove all administrative functions from the High Court and let us confine ourselves to our proper judicial work, as judges do in England. So long as there was no question of democratic institutions such as the Legislative Assembly and the legislative councils, there was no objection to getting the judges to help in administering the lower courts; but as time goes on you find some of these matters raise difficult questions such as that of communal discrimination, or questions which arise out of the fact that judicial stamps are almost the only expandable form of revenue Bengal possesses. In circumstances such as these it is not so easy for the High Court to be an administrator and at the same time to keep out of politics (not using that word in any offensive sense) as it used to be. It must not be taken that this is a question which ought not to be examined.

82. The view you are expressing now is your own, and I dare say it is the view of some, but not all, of your colleagues?—Yes.

83. Perhaps you will tell us this on it, as a practical point. Can you form some sort of estimate, just to help us, of the proportion of the time and labour of the Chief Justice which as things are is devoted to the administrative work as distinguished from his strictly judicial work in presiding over the High Court? Is it a large fraction?—Yes, a very large fraction.

84. The proposal therefore involves this, that the labours put on the distinguished gentlemen who are members of the judicial bench would be very considerably diminished?—They would be. It has not been the practice in our court for the judges in charge of administration to sit any less on the judicial bench than their colleagues. In some courts they have a regular arrangement by which the English judge does not sit once a week. We have always tried to do a full day's judicial work and do our administrative work in our other time; and the strain involved in that is exceedingly heavy as regards the Chief Justice and the Judge who presides over the English department. When I get home, at four-thirty to five o'clock, I always have a large bundle of files which have to do with the administration of my own office or questions concerning the administration of the courts in the mofussil.

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85. *Lord Burnham*: I should like to follow up the answer the Chief Justice has just given by asking this question. If the judges had nothing to say in administrative matters, how would they be able to secure the proper staffing and equipment of their courts? Who would do it on their behalf?—That would be part, I take it, of the duties of the member of the Government who is in charge of Law and Order and Justice.

86. But would there be any guarantee that he would agree with or interpret the opinion of yourself and your colleagues in those matters?—I do not think there would be any guarantee, but I think our administrative functions in that way do not give us any guarantee now. We cannot now go to the Government of Bengal and hold a pistol to its head and say it must do this and provide us with another court or another man.

87. Quite. Then you are satisfied there would be no harm done if administrative matters were dealt with elsewhere?—My own personal opinion is that the time will very soon come (I do not say it has come already) when there will be a better arrangement possible as regards the administration of the lower courts than the entrusting of it to the judges of the High Court.

88. I heard what you said as to the supervision which you can exercise over district judges. Does that extend to a criticism of their legal competence?—Yes. If we think that a person makes a bad judge, we get a chance before he is confirmed to give our opinion about him. Take the ordinary case, that of a member of the Indian Civil Service who is tried as a sessions judge or district judge. We get a certain experience of him, and before he is confirmed in the judicial service we are always asked for our opinion.

89. You are as a matter of practice asked?—Yes.

90. But suppose a district judge deteriorates, which is possible, though I do not say it happens in practice. Do you have any power or even right of criticism in such a case?—Yes. In every province it happens that some people for one reason or another become unsatisfactory, and in a case of that sort we regard it as our duty and privilege, when we find it out, to go straight to the Government of Bengal and say, "You must do something about "this; you must remove this man; he must be "put somewhere else, or you must do something "else with him." It is a thing one does not have to do, or even contemplate, very often, I am glad to say, but when it has to be done it is done.

91. You regard that as an important and valuable function of the judiciary here?—Yes, it is a function which is sometimes useful, certainly.

92. Have you any regular standards with regard to legal competence when judges are drawn, as they are, of course, from the Indian Civil Service, without necessarily, I suppose, being barristers-at-law at all?—As a rule they are not barristers when they are appointed, but they know the conditions in the mofussil very well, and so far as we are concerned they all get the same chance. We do not in the least attempt to prevent any man who is entitled to come into the judicial service from coming in. If he satisfies Government and the rules we are not concerned at that stage. Government appoints him, let us say, to act as district and sessions judge and he does his best and gradually goes on.

93. Are you satisfied that in that way a good standard of judicial efficiency is maintained throughout the mofussil?—I certainly think a very good standard is maintained, but the question whether in the mofussil the district judges should continue to be recruited from the Civil Service and not from the Bar is a large and thorny one.

94. Do you wish to express an opinion about that?—I do not think I could give a very useful answer without taking a little time, but broadly speaking there is this to be said for the present system of recruiting district and sessions judges from

the Indian Civil Service. A large part of the duty of the district judge is to administer the courts below him; and the I.C.S. judge gets to know the country very well and is nearly always a good administrator. He is also, as a rule, a man who is a very good administrator of the criminal law. He has to work very hard as a criminal judge trying cases with juries, and while it is probably true that you do not get so good a civil lawyer as you might get by appointment from the Bar, it is a very grave question whether you would make any improvement if you altered the present procedure. You must remember the country requires a certain number of these gentlemen at the earliest stage, namely when they are magistrates, and they get a lot of very useful experience in that way. It is not a subject on which I want to dogmatise, but I would not like the merits of the I.C.S. judge to be overlooked.

95. It follows from that that you attach almost as much importance to his administrative capacity as to his judicial capacity?—In the case of the district judge, certainly.

96. Has the present difference between this presidency and the others any historic derivation from the early days of the concessions here?—Yes. It is really accounted for by the fact that until the other day Calcutta was the seat of the Government of India—until 1912—and when it went away we still remained under the Government of India.

97. *Major Attlee*: Arising out of what Lord Burnham asked, have not there been attempts to utilise the court for political purposes by legal injunctions and so on?—I am not quite sure I know the kind of thing of which you are thinking.

98. I had an idea attempts had been made to obtain injunctions from the court for use more or less as a political weapon, saying it was *ultra vires* for Government to do this, that or the other?—From time to time one may get (and properly get) a case for an injunction against the Secretary of State or some Government official. I remember one case in this province which appeared to have a political meaning. It was a case where a question arose as to whether the president of the Bengal legislative council should allow some motion to be put. But in that case the learned judge who dealt with it granted the injunction, so it cannot be presumed the plaintiffs were in the wrong in that matter.

99. On page 430 you say "the local executive should "not appear to be in a position in which it can in "any way influence or hamper the activities of the "High Courts." Do you think the converse should be true, that the High Courts should not be in a position in which they can in any way influence or hamper the activities of the local executive?—I am afraid if that were so one would have to alter the English Constitution, because one of the main functions of a High Court is that the moment the executive go outside the area which the legislature has laid down for them, it is the duty of the High Court to step in. That is one of the things that it is kept up for and paid for, so that this proposition can hardly be inverted.

100. In this province has there been any opposition between the High Court and the local Government?—I have heard of that tradition and that is a matter of history. There was a time when the relations were not quite good; but at the present time, so far as I know, I only discover a ghost of that tradition in the minds of the editors of newspapers and occasionally on the part of some young lions in the secretariat office. But the High Court has the highest possible respect for His Excellency Sir Stanley Jackson and his Government, and at present I should like it stated that as far as the Honourable Member in charge of the Law department is concerned, Mr. Moberly, we get on extremely well together.

101. *Sir Abdelkerim Ghuznavi*: About your opinion in regard to the administrative work I can assure you I entirely agree. May I just read to you a paragraph on page 798 of the Government of India memorandum?* It says: "It may also be con-"tended, and it is in fact contended, that the com-"position of the subordinate judiciary, the presence "and absence of nepotism in its recruitment, its "integrity, and its familiarity and identity with "provincial conditions are matters in regard to "which the High Court's administration is a pro-"vincial concern. It may be with some show of "reason argued that communal representation, so "far as it has been recognised as a principle in "services generally, is a not illegitimate provincial "demand in the case of the subordinate judiciary; "and, if popular opinion is seriously affected by "it, its consideration is a purely provincial concern." Do you agree with that?

The Chairman: If you read this book you will find that it contains an assemblage of arguments for and arguments against provincialisation. If you turn to page 797* you see that this passage gives an assemblage of arguments for provincialisation. You must not assume that the Government of India is expressing that view. It is stated there "it may "also be contended." That does not mean that the Government of India is contending it.

The Witness: The first part is, "It may also be "contended * * * that the composition of "the subordinate judiciary" and certain other matters "are matters in regard to which the High "Court's administration is a provincial concern." I do not dissent from that. I think that probably is so. I think it is a matter of provincial concern whether the lower courts are properly administered or how they are administered. The next thing is: "It may be with some show of reason argued that "communal representation, so far as it has been "recognised as a principle in services generally, is "a not illegitimate provincial demand in the case "of the subordinate judiciary; and, if popular "opinion is seriously affected by it, its consideration "is a purely provincial concern." As regards that it seems to me to be a question on which perhaps it is not right that I should express an opinion. But if you want to know what the facts are about the communal difficulty as regards the appointment by the High Court of munsifs, I would be quite willing to give any opinion I have and to deal with that matter. In fact I would like to, because I have no opportunities of really explaining, so that the Muhammadan gentlemen can be satisfied, what the High Court does in the case of the appointment of munsifs.

102. *The Chairman*: That will be quite welcome.—As you know, as I have already stated, the appointment of munsifs is made by the High Courts under a statutory provision. It is for the Government of Bengal to make certain rules as to qualifications and then the appointment rests by the Statute entirely with the High Court. Now we have a number of munsifs to appoint at irregular intervals and the first question we have to consider is the question of their qualifications. I would like to explain that these people are appointed practically straight from the college benches. They have to be, for the reason that they are to retire at the age of 55 and Government insists on their being appointed young. We take them almost direct from the college bench and put them on the seat of judgment. Once they get there they are probably overworked for the rest of their life struggling with the masses of rent suits and they never get a chance to greatly improve upon their knowledge of law. I think you will agree with me there. The result is that the High Court regards it as very important not to let down the standard of legal qualifications for these appointees. In other matters it appears that the Government of Bengal have made a rule for themselves that they would try to give 40 per cent. of all appointments to Muhammadans.

Sir Abdelkerim Ghuznavi: 45 per cent.

* Vol. V.

The Witness: Now perhaps it is 45 per cent. I will tell you why the thing has eased a great deal lately. When an order like that comes into question we could not say that so many of the munsifs we appoint should be Muhammadans. The line we took about that was that while it may be quite proper for the local Government to make such a rule as that, for a High Court acting under this Statute to attempt to divide the appointments in proportion among the different classes of the community would be a very wrong and improper thing. We are not given this power because of our opinions as to the relative importance of communal claims but because we are supposed to know what legal qualifications are and what sort of people are likely to make good judges. We have taken the view that the powers under clause 7 of the Civil Courts Act of 1887 are not given to us for the purpose of dividing the appointments among the communities but are given to us because as persons charged with the administration of law courts we will be the proper persons to appoint the best people. Consequently when the Government of Bengal took exception to our not making such a stipulation we have always said " under your own rule-making power under clause 7 " we do not think you have got power to make " that order. In any case you have never made it " a rule and in any case it is not for the High Court " to take upon itself the division of jobs as though " they were things to be distributed among members " of the community." As regards the desire to get more and more Muhammadans appointed to the bench in the province, the position is that the High Court is doing its very best. The High Court has to regard the Muhammadan community of Eastern Bengal as the people whose rights are going to be adjudicated upon by these appointments, and we cannot possibly do more than look out carefully and try to appoint Muhammadans whenever they seem to be up to our standard. Now in the last two or three years during which I have been Chief Justice I find things have improved so much that we can conscientiously and properly appoint Muhammadans roughly speaking now to the number of about one-third or 30 per cent. Only the other day I agreed in settling a list of fifteen, of whom five were Muhammadans and every one of those Muhammadans had a first-class B.L. degree, so that I think myself that the policy of the High Court in refusing to lower the standard is going to result to the benefit of Muhammadans themselves. If you say, " You " can be a Munsif whether you have got the first-" class degree or whatever degree you have," the result would be very bad upon the Muhammadan student, who knowing that he has got to compete with other people is, I find, getting better and better every year. I would like to say that it is true in my opinion that with a large Muhammadan community a candidate who is a Muhammadan has one distinct qualification. It can be exaggerated, but it is true that when he goes out to the province, the Muhammadans of the province who have family quarrels or questions about dower like to have their cases judged by a Muhammadan who gives perhaps more satisfaction in many cases of that nature. I distinctly recognise that. But that means that he must be a reasonably good man and you cannot appoint somebody if you think that he is going to be unable to get through the work or if you think he is going to tangle up people's rights under the Bengal Tenancy Act. The High Court has no bias one way or the other. They desire to observe the correct constitutional position which forbids them from taking this attitude that the appointments under them are to go by communal division.

103. *Sir Abdelkerim Ghuznavi*: I do not suggest that you should lower the standard of efficiency. You are for giving the Muhammadans a chance?—Certainly. I should regard the person who is a Muhammadan as having a certain amount of extra qualification for a munsifship in places like Eastern Bengal.

104. *Sir Abdelkerim Ghuznavi*: It is not quite clear whether the High Court or the local Government has authority over the civil courts in matters regarding the hours of sitting of courts. For example, from High Courts General Rules and Circular Orders Criminal, volume I, page 2, it will be seen that it is the High Court which laid down that every sessions judge and magistrate shall sit daily at hours appointed for the opening of his court, whereas it also appears from the same volume that in Government Circular Letter, No. 409—J.D., dated 8th September, 1892, it is stated: " The Lieutenant-" Governor will be willing to give effect to the " suggestion of the High Court that some sessions " judges may be permitted to leave their sessions " during the civil court vacation." It seems therefore that there is a conflict of opinion as to which is the proper authority for directing the civil courts that they should close between the hours of 12.30 to 2 on Fridays to allow the members of the Muslim community to say their prayers. The Government of Bengal when issuing orders in 1925 to all revenue and criminal courts to adjourn between these hours on Fridays stated that they had no desire to raise any question as to which is the exact authority from which orders in such a matter should issue to the civil courts and said that if the High Court had no objection they would themselves be prepared to issue such orders. They communicated their recommendations to the High Court, but so far no action seems to have been taken. While the courts of all magistrates are closed for a short interval to allow the Muslim community to observe what is an essential part of their religious duties, it cannot but occasion serious hardship as also criticism and misunderstanding if the civil courts remain open. It is obviously desirable that all courts both criminal and civil should adopt a uniform practice. A difficulty therefore has arisen as to which authority should act in this matter and this point needs to be cleared up.

The Chairman: It is not very important. No one imagines that the Imperial Parliament is going to legislate about this.

The Witness: That is a problem which I have not had to consider of late. It is a question in which there is a certain amount of sentiment and difficulty. I would rather not profess to be able to answer it to-day.

105. *Sir Abdelkerim Ghuznavi*: My question refers to the constitutional position. We want to know whether it is the local Government that has the authority to issue such an order or the High Court?—I am not prepared to give an opinion on that. It may be a matter of considerable difficulty.

Sir Abdelkerim Ghuznavi: My difficulty is that on looking into the records I am not quite clear on the point as to who is the authority to issue final orders on the matter. There seems to be a confusion as to who is the proper authority.

Mr. Fazl-ul-Huq: As a matter of fact in Bengal judges do rise at 12.30 on Fridays.

106. *Sir Hari Singh Gour*: I just want to ask three or four questions. As regards your relationship with the Government of India you have stated that you are administratively under that Government. What is your position as regards finance? What is the revenue from law and justice in Bengal? It has been pointed out to us that about one-fifth or 20 per cent. of the revenues of Bengal is from law and justice. Is there any surplus under that head?—I think that the Government of Bengal or its representatives will give the financial statistics with better authority than I can.

107. If the revenue from judicial stamps is transferred to the Central Government, would that suffice to pay for the High Court?—The actual cost of the High Court or the actual loss on the receipts of the High Court is not a very large matter. But I am not a very useful adviser on questions of finance.

108. Because the Government of Bengal might say that there is not only the question of the cost

of the High Court but also of the subordinate judiciary ?—I quite appreciate the difficulty.

109. You have stated that so far as the subordinate judges, that is the civil judges, are concerned, they are invariably recruited on the nominations made by you under the Bengal Civil Courts Act. Is it or is it not a fact that the recruitments that your High Court has been making are giving great satisfaction to the litigating public in Bengal, and so far as the Bar and the litigating public are concerned they are satisfied by reason of the fact that this is conducive to the maintenance of the highest standard of efficiency ?—I am very glad to hear that suggestion from you. I wish more people would tell me so.

110. You think that if the same powers were given to the other High Courts in India it is likely to result in the raising of the standard of efficiency in the other High Courts as well ?—Yes. I am all for giving to the man who has to run the show the right to nominate the people. I do not believe in saying to A, " you will have the business of patronage," and to B, " you go and do the work."

111. Do you not think that the same argument applies equally to the treatment of the subordinate magistracy which has been discharging in certain cases even more important functions than the civil judges—the argument of allowing the High Court to nominate and the Government to appoint ? It is conducive to the maintenance of the high standard of efficiency, and therefore it gives satisfaction to the litigants, that they have as the backbone of the judicial administration of the country a highly trained and efficient civil judiciary ? Now, do not the same considerations apply in the case of the subordinate criminal courts, the subordinate magistracy ?—Well, I should have thought they would. But as I have no responsibility for its administration you must take that simply as a principle. I should have thought they would.

112. It has been suggested in certain High Courts, I shall not name the High Courts concerned, that if the High Courts are transferred to the Government of India the control must be exercised by the Law Member who is a lawyer and not by the Home department, because the Home department is already overworked and it will be very difficult for the Home department to exercise control over the various High Courts in India, or you will have to constitute a new department to deal with the High Courts as such something like the Ministry of Justice. What is your opinion on that ?—Well, I should be sorry to see any change myself. I have got the highest opinion of the way in which the Home department has done the work of administering the Calcutta High Court, and I hope the same tradition would be maintained if they had all High Courts under their control.

113. Your personal view, Sir George, is that you would like to get rid of the administrative control. Now, if you get rid of the administrative control, will you be able to maintain the high standard which you have been maintaining ?—Well, I think the Government through some officer, whether he was called a Minister of Justice or otherwise, would have to take over the administrative business now done by the High Courts and try and carry it out on the same lines.

114. But, supposing for political reasons or other reasons the same temper was not displayed in the recruitment of the subordinate judiciary, do you not think that it would rather pile up more work and require additional judges ?—Well, it may. But you see, if I may say so—perhaps I have no right to say so—I think India must learn to govern itself some time.

115. That is perfectly obvious. Now, some High Court Judges have complained that the politicians are apt to transfer their disputes from the arena of politics to the High Courts, and that the power of the High Courts must be curtailed so that by amendment of the Specific Relief Act and provisions regarding *mandamus* and injunctions and the general law under the Code of Criminal Procedure, section 11, the High Courts should not deal with any political cases because it is likely to bring unpopularity upon the High Court. Now, what is your valuable view on the subject ?—I am content with the present state of the law and of the constitution as to that.

116. You think it is the legitimate function of the High Court to act as a tribunal of the people and administer justice. If a man has got a grievance whether against the legislature or against the executive he has to go to the High Court, and the High Court should not shirk its responsibility by asking for amendment of the law. Is that your view ?—My opinion is that in any matter—whether it be a political matter or a constitutional matter—under which a man has a right which the law recognises, he should be able to assert it in a court of law.

Sir Hari Singh Gour : Of course that is conceded, namely that the law recognises it ; but the point is that they want a change of law.

The Chairman : I do not know that it follows, Sir Hari Singh Gour. You and I, and everybody trained up in the law, I am sure, will agree that one of the functions of the judiciary is to see that even though it be a very powerful authority which seeks to abuse its authority, none the less, the citizen should be protected, and I am sure you will agree that citizens should be protected against Government just as against any other powerful person.

117. *Sir Hari Singh Gour* : Now, as regards the provisions of section 101 of the Government of India Act, the point is this. They have divided all the judges into Barrister judges, judges who are members of the Indian Civil Service and judges who have held high judicial posts. That is to say, you have got the Indian Civil Service men, the subordinate judges and barristers and vakils. Now I wish to ask you whether the time has not come for introducing more elasticity in the scheme of section 101 of the Government of India Act so that we may have more professional judges in the High Court ? What is your view on the subject ?—Well, that is a very important question, and I do not think I ought to answer it without a little care. You see, the first thing is that there is a reservation of one-third for barristers and a reservation of one-third for members of the Indian Civil Service. In my opinion the people who do the work of district judges in the mofussil, whether they are members of the Indian Civil Service or not, ought to have a reservation of seats in the High Court, because you then get the experience and you also give the attraction of promotion to the subordinate service. It is the policy of Government more and more to fill the sessions judges' posts with people who are not from the civil service and their declared policy is to make the numbers of such people—I have forgotten whether it is 40 per cent. or 60 per cent. Well, in my judgment it will not be right when that policy is carried out to have a reservation for so much as one-third for the Indian Civil Service members who are no longer to be the only cadre from which sessions judges are to be drawn.

118. Thank you very much. You have grasped the point I was driving at. This provision of the Government of India Act was drawn up at a time when the district and sessions judges were solely recruited from the Indian Civil Service. Now, with the gradual Indianisation and the relaxation of the rules under which the district and sessions judges are appointed you see no objection to the relaxation of the rules regarding the number of judges from the Indian Civil Service ?—Yes.

119. *The Chairman* : Would the suggestion be that one-third of the appointments should be made from persons holding the posts of district and sessions judges ?—That I would prefer. I prefer that to saying that it must be from members of the Indian Civil Service.

120. I gather the position is this, that this tributary of recruitment in fact all flows from the district and sessions judges ?—Yes.

121. That is the substance of it. Before they are

taken to the High Court they should have shown by their previous action as district and sessions judges that they are persons of high independence and good sense who would form a useful addition to the High Court bench ?—Yes.

122. And in the old days it was the I.C.S. men ?—Yes.

123. Now, it may be a man promoted from the provincial service ?—Yes, and it is going to be more and more so. The declared policy of the Government is to raise the number of non-I.C.S. men to, I think, 40 or 60 per cent.

124. *Lord Burnham* : Would that not lead to further Indianisation of the High Court ?—That is difficult to say. In this province we are now coming to a time at which the senior I.C.S. sessions judges are mostly Indians. Indians have been members of the Indian Civil Service for a good many years and quite a large number of our most senior I.C.S. sessions judges are Indian gentlemen, so that I do not think there is very much as regards that ; but it may tend to a little more Indianisation than otherwise. My own idea is that this one-third principle had better be abandoned. If I were made a dictator and asked to provide for my own court by itself I should say that there should be four posts reserved in the Calcutta High Court for persons who have been district and sessions judges.

125. *Sir Hari Singh Gour* : Probably you will leave it to the Government of India in consultation with the High Court to make rules consistent with the Act to make reservations from time to time in accordance with the requirements of the case ?—Well, that is another question. I mean, you may say that it is not necessary to tie the hands of the Secretary of State and put such provisions into an Act at all. That I would like to consider. But if you are going to have rules I do not think myself that you will get a better rule as regards the Calcutta High Court than a rule reserving four posts for persons who have been district and sessions judges.

126. *The Chairman* : At the present moment how many judges are there ?—At the present moment we are 15, and one additional. At the present moment we have five Indian Civil Service judges. I think we ought to have not less than four. But I think for this purpose it ought not to be a question of the service division, but of persons having been sessions or district judges.

127. *Sir Hari Singh Gour* : You see the position is this. This rule applies not only to your High Court but to all High Courts and the difficulty is felt that you do not always get civilians of the right type to man the High Courts, and yet the rigidity of the rule compels the Government to make these appointments. Now, as regards the Chief Justice, will you kindly refer to section 2, sub-clause (ii). " The maximum " number of judges of a High Court including the " Chief Justice and additional judges shall be twenty." Now, this clause of course is the legacy of a very long past, and it has been always construed for the last 80 or 100 years, I think, that the Chief Justice shall be always a member of the Bar. Now I should like to have your valuable opinion on the subject. Do you not think that for the purpose of holding the high traditions of the Bench and the confidence which it inspires as the palladium of British principles and rights, it is necessary that the Chief Justice should invariably be a member of the Bar ?—Well, I do not think that it is necessary that he should be a member of the English Bar. As regards the question of whether other persons should become Chief Justice I do not go further than this, that I think that persons who have been Judges of a High Court for not less than five years might be made eligible at all events to be promoted to be Chief Justice. Whatever be the path through which they came into the High Court, if they have been judges of the High Court for, say, five years or some period like that, I do not think it necessary to say that they should be excluded from all chance of being Chief Justice.

128. *Sir Hari Singh Gour* : You remember the recent Bill that was before Parliament and the strong agitation that was set up in this country against it. Is it not a fact that some of the High Courts very strongly protested against any change that would bring about, as the amending Bill was calculated to bring about, the possibility of a person other than a trained lawyer manning the post of Chief Justice of a High Court ?

The Chairman : I did not quite follow that. If I read section 101, there is nothing in the Act to say that the Chief Justice has to be so qualified ?

Sir Hari Singh Gour : It has been construed like that.

The Chairman : You mean to say that any one has construed section 101, with reference to the Chief Justice, as meaning that the Chief Justice, by the terms of the Government of India Act, must be a barrister ?

The Witness : Yes. If you turn to clause 4 you will see that.

The Chairman : I see. Thank you.

Sir Hari Singh Gour : This clause has been so construed ever since the establishment of the High Courts.

The Chairman : It says so.

Sir Hari Singh Gour : So, that is the meaning of it, that the Chief Justice shall always be a member of the Bar.

129. *Lord Burnham* : Do you not think on principle it will be unfortunate to relax this restriction which does not suggest any discrimination against communities ?—Well, I appreciate that. On the other hand the Indian lawyer is very sensitive about being put in his own country in an inferior position merely because he has not got an English qualification, and it is impossible not to recognise the force of that.

130*. *Sir Hari Singh Gour* : That has been relaxed, Sir George, because under the amending Act a vakil can be an advocate now. So that objection no longer applies. Now, what clause 4 means is this, that the Chief Justice may be either a barrister or a vakil advocate, but not service men, not non-professional men. The idea is that the Chief Justice must be a specialist, an expert.—If that is so, then that agrees with the view I hold. If that be so, the only question is whether a person who comes into the court as an Indian Civil Service man should in no circumstances be allowed to be the Chief Justice, even if the Secretary of State wants to appoint him. I think that is going a little too far.

131. That has been the law for a hundred years ?—That he must be an English barrister ?

132. But of course pressure of public opinion has relaxed that now. Now, what is your view about this ? If you were to place all High Courts under the Government of India you have every right to say that there would be unification of control, and it would also be said that there should be unification and co-ordination of jurisdiction, that all the High Courts must possess the same powers. It is wrong that all should be King's judges under the same control, the control of the Government of India and yet possess unequal jurisdiction. Now, you are aware in your High Court, you have the Original Side, and that has been attacked, but has survived the attack, for many years. In the Madras High Court the Original Side is practically gone. In the Bombay High Court it still remains in an attenuated form. Will you then revise the powers of the High Courts so that all the High Courts of India should possess similar jurisdiction, or would you keep up the differences and merely transfer their administrative control to the Government of India ?—Our intention was to transfer the control to the Government of India without making any change.

133. But then, Sir George, the Government of India would be immediately faced with this difficulty.

* NOTE.—I believe this to be a mistake. " Advocates " in section 101 (4) of the Government of India Act refers only to Scots advocates.

G. C. RANKIN.
January 26th, 1929.

Supposing you came under the Government of India, the first thing that the provincial Bar and the Bar councils and the barristers and advocates of the different High Courts would say is : " Here is our " High Court which is inferior to the Calcutta High " Court ; it has not even got a second appellate " court, and ours is only a sort of truncated High " Court. We do not want that. You are treating " the Calcutta High Court as your favourite child and " treat us as you will your step child. We want the " same standard." Now, tell me candidly, Sir George, what is your opinion as regards the Original Side of your High Court ? Do you think it is doing useful work, or do you want to abolish that and establish a city court ?—I am against the establishment of a city civil court. I think that matter was a good deal more important at the time when it was not possible for any one except an English barrister to get the right of audience on the Original Side of the High Court, but since that matter has been put right, I think the agitation for a city civil court has died down a good deal, and my own view is that it is very important in Calcutta that there should be an Original Side for trying cases at first instance both for commercial work, and also even the land work arising therein.

134. Supposing heavy land cases and commercial cases call for the establishment of an Original Side in the High Court, that is exactly the argument that has been used in the case of the other High Courts, and they say we also want an Original Side ?—I am not against their having an Original Side, but I only say that the question whether they should have it or not is one which should be dealt with upon the merits of each case, and I do not think that the question whether the High Courts are or are not to be put under the Government of India ought to be regarded as affecting it very much one way or the other. In any case, even if all the High Courts are under the Government of India, that particular question ought to be decided according to the local needs of each province.

135. My last question is about the establishment of a Supreme Court for India. You remember in the Reuters telegrams that appeared this morning there was a statement, I think it was by Lord Parmoor, pointing out that you cannot possibly expect the Privy Council to do the work of India, and that India must have a Court of her own. I ask you whether in view of the numerous cases that go up to the Privy Council from the High Courts and in view of the fact that in criminal cases, as you know, when there is an acquittal by a sessions judge and it is converted into a conviction by the High Court on appeal by the Government there is no appeal against that, and also in cases where the extreme penalty under the law is to be imposed on the accused and the recommendation comes to the High Court from the sessions judge for the confirmation of the death sentence, the final sentence or order is the final order of the High Court and against that there is no appeal at all, in view of this lacuna in the criminal law and in view of the fact that in England they have established a Court of Criminal Appeal since 1907, the time has not come for the establishment of a Supreme Court in India ?—Well, Sir Hari Singh, I know that you have been paying a good deal of attention to this question. I was on the Civil Justice Committee in 1924, and although I had not then before me the whole case for the establishment of a Supreme Court as you have indicated it, I have also thought about it from time to time and I must say that I am satisfied with the present arrangement by which appeals go to the Privy Council which, as at present, meets Indian requirements. As to what you say about there being a need for a further criminal appeal in certain cases, I would like to be very careful indeed before instituting any further appeal even in death sentence cases in India. But if there is any need in any particular class of cases to provide for something further, it would be quite possible to provide for it within the High Court, or it would be quite possible to provide that sentences of such and such a character should not be passed, except say, by a Bench of three Judges. I should prefer that much to a system by which you had a further court of appeal to which capital sentence cases should be taken.

Sir Hari Singh Gour : The point I was making was not the question of providing for further appeal. I am against multiplication of criminal appeals as much as you are. I am dealing with the fundamental rights of a subject to have at least one appeal. Under the criminal law of India the unfortunate convicted person has not got even the right of a single appeal in the cases which I have pointed out. Take for instance the cases of those acquitted by a sessions judge and on appeal by the local Government, or in revision as they did in the Allahabad High Court the other day, the High Court converts that into a conviction. That is one case, and in the generality of cases you have the sessions judge recommending that a person shall be hanged subject to confirmation of that sentence by the High Court, and the High Court after hearing the arguments passes the final order ; that sentence is of the High Court, and against that there is no appeal at all. I am not talking of any further appeal, but in this case the man is hanged without any right of appeal.

The Chairman : The first part of your suggestion, Sir Hari Singh, appeals to me more than the second. I believe the first case you have instanced is a case where the sessions judge comes to the conclusion that a case for conviction has not been made out and acquits the accused, and then that decision on appeal is reversed by the High Court and the man is convicted. Probably you are right there in saying that in essence there is no appeal from that conviction. But it is not quite so in regard to the generality of the cases that you mentioned. There the sessions judge comes to the conclusion that a case for conviction has been made out, and it seems rather a technicality that the High Court passes the order. That in effect is giving a right of appeal to the High Court.

Sir Hari Singh Gour : Under the Indian Divorce Act you have exactly the same procedure. The district judge simply passes a decree for the dissolution of marriage and it is sent up to the High Court for confirmation. Then the High Court confirms that decree. But in that case there is a statutory appeal to the High Court. The law regarding final judgment or order has reference only to the final judgment or order of the High Court in the other cases I mentioned and not to the recommendation of the Sessions Judge which is not the final judgment.

136. *The Chairman* : Let us see if Sir George will give us a general view regarding this. In cases where a convicted criminal has a right of appeal, what is the period in the ordinary course that usually elapses between the time when a man first knows that the sentence is to convict him and the time when he is executed ? Reference was made to the courts of appeal in England, but the real matter of importance to be borne in mind is that our system of criminal appeal does not involve very great delay—I do not know what the average time is—but certainly very often it is only a matter of a few weeks between the time when the verdict is given and the time when the execution is carried out. It is done with all reasonable speed, and I think everybody will agree that it is important from the point of view of the proper administration of justice that the law which is properly applied should be applied with promptitude. What is the sort of period you have got here ?—It is a great deal longer than it is at Home. Ordinarily against a capital sentence there is no appeal. But even if no appeal comes in, there is a reference of course to the High Court. I have just got cleared at the moment of a list of long pending references, but in the case of a man who was convicted of murder last October the High Court has just about now finished saying yes or no, and if he were sentenced to be hanged he would get something like a month before he had to do anything, and probably if he were to put in a

petition to the Privy Council, it then might take a very short time or a very long time to get the order on it as you, Sir John, know very much better than I do.

137. *The Chairman*: I sympathise entirely with one of the things which Sir Hari Singh Gour said, but at the same time I do feel that in the matter of administration of a subject like criminal justice in a country like India one would require reasonable speed for carrying out orders with promptitude.

Sir Hari Singh Gour: That is the point that I am making. Instead of their Lordships of the Privy Council acting for ever as our court of appeal (and they will only interfere in particular classes of cases), the fact is that we have no court of appeal here and it is not every one who can afford to appeal to the Privy Council. And in a case, as was pointed out just now, where it comes on for hearing in October and the judgment is given in January, you know that the sentence has to be suspended for long if the convicted person wants to appeal to the Privy Council.

The Chairman: What is the good of a man appealing to the Privy Council after he has been hanged?

Sir Hari Singh Gour: The result is that it takes long to get the decision of the Privy Council and the sentence has got to be kept suspended in the meantime. That would be obviated if you have a local court of appeal and get finished with the man one way or the other.

138. *The Chairman*: We might in that way save time, no doubt. But what is the Chief Justice's view?—I do not want to say that I have any prejudice on this matter, or any objection at all to any particular grievance or lacuna in criminal procedure being considered. My doubt is whether the setting up of a tribunal in India on the analogy of the highest tribunals in other places is called for by any lacuna in the criminal law.

139. *Sir Hari Singh Gour*: Apart from the lacuna, but from general considerations, you have no opposition or support to offer to the proposal?—I am a conservative. I think the Privy Council has done a great work for India of which only a lawyer can possibly appreciate the value, and I do think that you get better served if your appeals are taken to the Privy Council as at present constituted. If you had a tribunal in India, I do not think you will find in the end that the course of justice will in any way be bettered. That being so, I rather want to stay as we are.

140. *Dr. Suhrawardy*: In your reply to the Chairman you explained the difference between a permanent judge of the High Court and an additional judge. I want to know whether a person over sixty years of age is qualified for appointment as an additional judge, or whether the sixty years rule will apply in his case?—The sixty years rule is not a rule; it is merely a convention. When anyone is appointed to the High Court, it is customary to take an undertaking from him that he will retire at sixty years. But persons over sixty years have been appointed for the first time as additional judges of the High Court, say for a year. I do not think myself that that is a paradox, but the fact is that while a judge has to retire after sixty, a person may be appointed for a year as an additional judge who is over the age of sixty.

141. What is your idea in fixing sixty years as the proper life at which judges should retire and in not taking any undertaking from additional judges?—If you appoint a man, say, at the age of 42, and he is put into a substantive appointment, you do not know whether when he is getting on to sixty he will be fit for service. Consequently you take an undertaking from him that he will retire after sixty. But if you appoint a man for only one year, you do not want that.

The Chairman: If you choose a man when he is comparatively young, you cannot tell at the time what he will be after sixty, but when he has reached sixty you can know from the mere sight of him whether he will be fit for two more years.

Lord Burnham: It is a short term contract only.

142. *Khan Bahadur Faroqui*: You propose to free the High Court from the control of the local legislative council in order to retain unshaken confidence of the people in the impartiality of the judges. Do you not think that it is equally desirable for the same end to debar from High Court judgeship Government servants after their retirement?—A judge should not have before him the prospect that if he acts in a certain way he will be made, say, a member of council, or perhaps the chairman of some body or some such thing. I would rather discourage the promotion of judges except in the judicial line.

143. *Mr. Fazl-ul-Huq*: What is your opinion about having a statutory provision for High Court judges going to important places in the mofussil—Dacca, for instance, in Bengal—for the sake of administrative efficiency, and for the sake of bringing the judges into more close touch with the people to enable them to have an opportunity of studying judicial problems connected therewith?—Do you mean for criminal work only, or for all work?

144. For both civil and criminal. I take it that you are not going to have a High Court for Dacca?—No, I do not think so.

145. Then, as a possible alternative to meeting the wishes of the Eastern Bengal people, what is your opinion of having a statutory provision for some of the Judges of the High Court going on inspection tour in parts of Bengal, such as Dacca, for example?—In that case it would have to be in the cold weather. Otherwise there would be difficulties for judges and barristers to go and stay there, and there would be a good deal of expense attached to it. But I do not see that there is any objection on principle to such a thing.

146. May I point out that in places like Dacca there are Government buildings in plenty and there are gentlemen who are members of the High Court Bar, advocates and others who are available there, and it brings the High Court judges into personal touch with local administrative problems so far as the High Court is concerned?—If it is practicable and not too expensive I agree that there is a great deal in that. I believe some of the success of the law in England is due to the fact that everyone, even in a provincial town, does get a chance of seeing a real red judge now and then and hearing the usual fanfare of trumpets.

147. *The Chairman*: Is there any inspection work done by the High Court?—We go out occasionally, but not with any formality. In Bihar the judges have to go to Cuttack, and that is because of the province being scattered.

148. *Lord Burnham*: Could you not introduce formalities into this inspection?—Yes, if somebody will pay for it. Our difficulty is to leave our work in arrears here and go touring over the country in order to do this inspection. The Government of Bengal have been very helpful to us lately and they have given us an extra judge for three months and, I think, they will be giving another one next year to enable us to do more inspection. I think it was as far back as 1914 since we had done any inspection.

149. *Mr. Fazl-ul-Huq*: Is there not a feeling, at least of recent growth, that jurors in Bengal are sometimes swayed by communal bias in their verdict?—I do say that there is such a feeling. But my own experience of jurors in Bengal is very small and all that I would say is that I would not like to condemn jurors merely because there is such a general impression. They may be better than they appear.

150. *Sir Zulfiqar Ali Khan*: You said, sir, that you want the High Courts to be controlled by the Government of India. May I know whether this would tend to greater independence of the High Courts?—We think so.

151. Would you please tell me whether you could bring about a kind of unanimity between all the High Courts with regard to this point?—This Commission knows a great deal more than I do about it. I have had a talk with my friend, the Chief

Justice of Bombay, on the matter, and I know that some of the High Courts felt a little suspicious about a change by which they would be put under the Government of India; but in the last one or two years since the idea was first mooted I think I have observed that other High Courts are taking a more favourable view than they did at first.

152. You levy court-fees under the Court Fees Act?—Yes. On the Original Side of the High Court we go by the English system. We levy heavy enough fees but it is not in the form of valuation court-fee or under the Suits Valuation Act.

153. Does that amount to a very large sum?—Oh, yes. When the rate of court-fees throughout the province was increased by the local Government in order to provide itself with more funds, the High Court followed suit without any difficulty and we raised our existing court-fees practically by the same amount. There is a certain amount of inequality in the fees in certain respects but we have always preferred the English system.

Sir Hari Singh Gour: It is a more scientific method of extraction.

154. *Sir Zulfiqar Ali Khan*: Do you use it for your own purpose or do you hand over the proceeds to the Government?—Every penny goes to the Government of Bengal. The High Court does not handle the money, it is the Government of Bengal that handles all the money because the stamps are sold by it.

155. Would you like to have the handling?—No.

156. You have said that the Muhammadans in Bengal would like to have cases decided by their own co-religionists?—Yes.

157. Have you ever thought of the advisability of appointing *Kazis* for the administration of family laws by Muslims in accordance with the Muslim law?—I do not think I have; I do not know what powers should be given to them.

Sir Hari Singh Gour: You have now got the system of arbitration.

Sir Zulfiqar Ali Khan: I was referring to statutory provision.

The Witness: I am all in favour of informal family arbitrations in family affairs.

158. *Sir Zulfiqar Ali Khan*: Now, with regard to the appointment of Muhammadans. You know, Chief Justice, that you are the custodian of that high privilege called justice in India, and supposing one community monopolises all the appointments then the other community will have complaints to make with regard to the injustice done to them. Under those conditions, what measures would you adopt for creating tranquility in the minds of these people?—What we do is this: As I said, we make a particular point (at least in my time we have made it a point) of keeping our eyes open particularly carefully for good Muhammadan candidates, and in cases where we think that the man is very nearly up to the standard we give him a certain amount of extra consideration by reason of the fact that he is a kind of man that we do not get enough of for appointment. The University of Dacca has, I think, been doing a good deal of good work as regards the education of Muhammadan students in law and I believe that it is largely owing to that university that we are now finding that we do get a reasonable proportion of properly qualified Muhammadan candidates.

159. You said, sir, in your statement that you would like to have four or five judges appointed from the subordinate service?—Not from the subordinate service. What I said was that I would like to have four judges in the High Court who have been district and sessions judges.

160. As they stand now, I think, these judges mostly belong to the Hindu community?—As they stand now, of the five I.C.S. men with the exception of one, all are Englishmen.

The Chairman: Chief Justice, I wish to thank you very much indeed on behalf of us all for giving us so much valuable help. We are greatly indebted to you and I can assure you that we will very carefully consider the points you have put before us. Please accept our thanks.

The Witness: I am much obliged to you.

CALCUTTA.

Dated, 25th January, 1929.

PRESENT:

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE AND OF THE BENGAL PROVINCIAL COMMITTEE.

The Honble. Mr. A. MARR, C.I.E., I.C.S., Finance Member, and The Honble. Sir P. C. MITTER, C.I.E., Revenue Member, Government of Bengal.

1. *The Chairman*: Members of the Conference will find the matters with which we are concerned are dealt with in Volume II of the Government memorandum, beginning at page 233.* We were given to understand by Mr. Cassells, gentlemen, the other day that the estimate (which he warned us had been very hurriedly made) of the probable extent of the loss to Bengal arising from the established fact that there is a permanent settlement was that when it was worked out it would be found that the loss did not amount to more than a crore. That suggestion was admittedly based on a rather hasty calculation. Would you mind telling me whether it has been possible to look into that matter further, and possibly give us either a revised or a confirmed figure?—(*Sir P. C. Mitter*): Yes, we have looked into the matter further. The gain to-day if permanent settlement was changed would be about one crore of rupees or less, but that does not mean the figure would not be considerably greater if there had been no permanent settlement but temporary settlements from the beginning. The permanent settlement of 1793 was for Bengal, Bihar and Orissa as they then were. The total revenue was about Rs. 268 lakhs. Lord Cornwallis, in the papers he submitted, said one-third of the area was not cultivated, and he also said the revenue which was going to be fixed on a permanent basis was partly by way of anticipation, but that unless there was a permanent settlement there would be no incentive to bring the third which was not under cultivation into cultivation. His argument was directed against a ten-yearly settlement; but if there had been a 25-years' or 30-years' settlement, with a definite percentage to the landlord, as you have in the United Provinces, then there would have been an incentive to cultivation, and from the beginning the income could have increased, and a revisionary settlement every 25 or 30

* Vol. VIII.

years would have meant that subinfeudation would have been kept down. It is difficult to guess any figure, but I can say with confidence that if a 25-years' or 30-years' settlement had been made in 1793, with a definite percentage to go to the landlord and another percentage to go to the State, the difference would be very much more than the one crore which we now estimate.

2. Perhaps it is useful for me to say that questions of this sort are not put (certainly as far as I am concerned) with any idea that the permanent settlement can be broken and cancelled, but because I think it is important to appreciate the financial position that has resulted from the permanent settlement. If I follow your answer rightly, it may be put in general terms in this way. If you were to imagine that at this moment the permanent settlement was broken, but that these intermediate events had happened, the difference would not be anything like as great as might be supposed; but, of course, if you could undo everything that has happened in the last 130 years the difference would be very much bigger?—That is the position; but since it is not possible to undo what has been done in the last 130 years we have taken the original basis and tried to find out what would have happened if in 1793 there had been a temporary settlement of 30 years, with the promise of renewal every 30 years, leaving a certain percentage to the zamindar and a certain percentage going to the State.

3. Is it the historical point of view that one of Lord Cornwallis's objects at the time of the permanent settlement in 1793 was to bring more land into cultivation?—Yes, undoubtedly; that appears from his papers; and also to get money immediately.

4. I have been given a note with, I believe, the figures it is suggested would bring out the crore. The suggestion is the calculation would run like this, is it not: you have the figure first of all for gross rent, which you reduce to statutory rent. That is the difference, as I follow it, between what is paid by the ryot and the further amount which may be gathered from the under-ryot?—Yes. I should like to explain that, because some of your colleagues without the papers before them may not follow it so well. The position is this. We have no figures for the total rental of the occupancy ryots for the whole of Bengal, but we have figures for the total rental of occupancy ryots in eleven districts where survey and settlement operations have been concluded. I ought to explain, for the benefit of members from other provinces, that their idea of survey and settlement is very different from the position in Bengal. In Bengal, in 1793, Government knew nothing of the details even of the villages, far less of the plots in a village. Later on, from 1840 to 1875, there was a survey of the villages, so that Government came to know the areas of these villages; and later still, in 1885, by the Bengal Tenancy Act provision was made for surveying the lands in each village plot by plot, to find out the rights of each individual in a village, the amount of rent which each man, from the lowest rung of the ladder to the highest tenure-holder, would pay to his superior landlord, and so on. That is what is meant by record of rights in Bengal. In eleven districts records of rights have been completed and we know the rents the occupancy ryots pay. That also requires explanation. For my present purposes I may describe the occupancy ryots as statutory ryots. Under the Bengal Tenancy Act the occupancy ryot cannot be ejected and they have many other safeguards. They are the direct descendants of the ancient Khudkhast ryot (i.e., resident cultivating tenant) in India, where the ryot with a definite place of residence in the village had the right to cultivate the land at a moderate rent, a rent which was to be assessed according to the pargana or village area. Neither the Moguls nor the Hindus interfered with that right. They may have raised the rents slightly, but it was accepted that the resident cultivator had the right to cultivate on payment of the usual customary rent. But the man who came to that village from another village had not that right. Take the one-third of the area which was not cultivated. If a man from another village came and settled there to cultivate that land, the landlord, before the Bengal Tenancy Act was passed, was entitled to make his own terms, but if an old resident in the village cultivated twenty *bighas* more land, he had the right to do so at the old rent. Therefore all the settlements made are on the basis of the rental of the occupancy ryot.

5. Then do I follow that having got those figures recorded for some eleven districts you are able to make a calculation taking that as a guide?—Yes, for every district in Bengal.

6. That is how it is arrived at?—Yes.

7. Would it be convenient to give the figures?—I can give them now. Before I give these figures there is another thing I ought to explain. On page 73, Appendix 26, of the Land Administration Report you will find the total gross rental of Bengal in the year 1926–27 was Rs. 14,70,00,000 odd. The heading there says it is the total of the cess rental, and here again this requires a word of explanation. In cess valuation we take the ultimate rental of the under-ryot, and I ought to explain what the under-ryot is. The statutory ryot or occupancy ryot is a man with a definite right, but if the occupancy ryot has twenty *bighas* of land and either cannot cultivate it all himself or for some reason or other does not do so and lets out two *bighas* to some other man poorer than himself, he is on the spot and takes a higher rental, and that other man is an under-ryot.

8. I think we follow that. We had the advantage of some explanations the other day, and besides that, some of us have studied the matter as far as we could. We really understand that and we appreciate on what the road cess is charged. You were going to be good enough, I think, to give us the figures, and perhaps with the assistance of Appendix 26 you will be able to do that?—Out of the 14 crores of rupees which represents the figure for permanently settled and temporarily settled areas, as also of revenue-free and rent-free land, there are 43 lakhs from revenue-free land, about 33 lakhs from rent-free land, and 55 lakhs from khas mahal lands (i.e. directly Government-managed). Then there are 30 lakhs from temporarily settled land, and 119 lakhs from mining profits.

9. If you subtract those, you are left with a figure of about 11 crores 91 lakhs; it means reducing the figure of 14 crores 71 lakhs by confining oneself to the permanently settled land?—Roughly over 11 crores, yes.

10. Confining oneself to the permanently settled land?—Yes. Now, the next step is this. In the eleven districts, the total rent of the statutory ryots is 451 lakhs.

11. If I may say so, we are not engaged in going through a mathematical calculation. One would naturally put confidence in what you gentlemen tell us is the result; we are not checking your figures, but trying to understand very briefly, with the smallest consumption of time, what the result is. That is why I offered to tell you my understanding of it, so that you could say if it was right. I understand what you do is this. You take this figure of 14 crores odd, and for reasons you have so clearly explained it is reduced to something like 11·9 crores. That is gross rent. You point out that that is not the same thing as the statutory rent, and the statutory rent will be found to be not 11·9, but more like 8 crores. Is not that so?—Yes.

12. What do you assume as the percentage of that 8 crores which (permanent settlement being assumed for the moment not to be there) would constitute the land revenue?—We suggest at least 50 per cent. of that should constitute the land revenue.

13. That would be a figure of just over 4 crores?—Yes.

14. Very well; I follow that. I heard the other

day it was thought right (I dare say it is) to make some deduction from that for the cost of what must be a very elaborate operation ?—Yes.

15. What is the sort of figure you suggest for that ?—These are the figures. Ten per cent. would represent the difference between permanently settled collection and temporarily settled collection. That is from the Land Revenue Administration Report. Then, if we have a fresh temporary settlement at the end of every fifteen years, we have to have settlement operations, and we have given the figure for that there. I will not bother you with the figure. Then we would have to have a larger revenue staff, and we have assessed that at 5 per cent. and given the figure there. After all those deductions we come to a net gain of 85 lakhs on the basis that I have mentioned. On another basis, an area basis, we find a net gain of 108 lakhs, and therefore roughly speaking the gain should be something like one crore.

16. You think that the figure of an additional one crore would be found to be about right ?—Yes, if the permanent settlement was abolished to-day. (*Mr. Marr*) : I might explain that that is a figure we have arrived at from our calculation.

17. I follow, Mr. Marr, but for convenience I would like to state to you what I understand the calculation to be. It is difficult to understand so many figures. I understand that taking a figure of between 11 and 12 crores, which is the gross rent so far as the permanently settled areas are concerned, that is then reduced to a smaller figure, which would be the statutory rent, which is a figure of something like 8 crores. If you then assume the land revenue at 50 per cent., it would give you in round figures 4 crores ; but if you are going to have such a system there are great expenses involved, because assessment, whatever else it is, is not a very inexpensive process ; and if you first and last subtracted a crore for that, you would have left something like a net tax of 3 crores. As it is, you get something over 2 crores with the permanent settlement standing. Therefore there is an advantage of about one crore. That, *in petto*, is the argument, is it not ?—Yes, as near as we can calculate.

18. There is only one question I wanted to ask one of you, which is this. Are you justified, do you think, in taking the 50 per cent. on the statutory rent ? Do not other provinces really apply their percentage to the gross rent ?—(*Sir P. C. Mitter*) : We are justified, for this reason. First of all, the percentage varies. Take the United Provinces ; there 60 per cent. is allowed to the landlords out of gross rent. There is no such situation in most of the other provinces, because of their land revenue system. There every 15, 25 or 30 years there is a revision of the assessment, and the land revenue, therefore, automatically goes up ; and I understand from personal experience that in Orissa, which used to be a temporarily settled state, there are comparatively few of these under-tenures and under-ryots. There is another thing—the difference between the statutory ryot's rent and the under-ryot's rent is a large one if all the under-ryots' rents are added up ; but in a certain district the total benefit is 10 lakhs, but that is divided among roughly 2½ lakhs of under-ryots, and if the State were to proceed on the basis of the rent of the under-ryot, then the collection would be much less than 90 per cent.

19. Then I should like to repeat to you gentlemen, if you will allow me, the inquiry I addressed to Mr. Cassells, accepting for this purpose—and we naturally pay great attention to it—this estimate of only one crore additional. What is the explanation of the view of the Bengal Government that the permanent settlement is the principal cause of their difficulties ?—The explanation is this, that if there were no permanent settlement since 1793, then the position would be very different, just as in the United Provinces and other provinces where there is no permanent settlement. Land revenue would have gone up after each revisional settlement. I cannot mention any figure with any accuracy ; certainly 3 to 4 crores more. That is the explanation.

20. Then if I understand rightly, the difference between that 3 or 4 crores which, on that hypothesis, you might have got, and the amount which at this time of day (if, indeed, you were free to do such a thing, which I am not suggesting) is all you could get, is really due to the fact that the balance has been dissipated among a very large number of intermediate interests : is that right ?—(*Mr. Marr*) : Yes. I do not think the members in this room can realise to what extent that has gone. I have one example here, if you would like to see it. (*Table produced.*) This is one of over 2,000 similar Tables in one village.

21. *Sir Hari Singh Gour* : What is the total number of intermediate interests shown on that Table ?—114. (*Sir P. C. Mitter*) : That paper is from experience . . . (*Mr. Marr*) : I must point out that this is for the district of Bakarganj, where subinfeudation has gone further than in any other district. It is the worst district of all, but in every district we have subinfeudation to a certain extent.

22. *The Chairman* : Mr. Cassells, I think, told us the other day that he thought there were about 90,000 zamindaris.—One lakh five thousand revenue-paying estates. The number of zamindars would be at least 3 to 4 lakhs. That is the revenue unit.

23. Surely the figure we were given was 93,000 zamindaris, which were permanently settled ?—Yes ; 105,000, including temporarily settled.

24. Then we were told that if you were to add up all the interests of these lands you would get a figure of about a million ?—These are the number of entries which would appear in one of our registers—it does not include intermediate interests—of individuals interested as zamindars in these 100,000 states.

25. *Lord Burnham* : In that statement, does " under-ryot " mean the same thing as statutory ryot ?—No.

26. What is " under-ryot " ?—An under-ryot practically means the man who actually cultivates under a ryot who is also a cultivator of another portion of the same tenancy.

27. *Sir Hari Singh Gour* : Sub-tenant.—The statutory ryot may also cultivate, and he may sublet some of his land to another man at a much higher rental. That other man is an under-ryot, with smaller rights ; and at the present moment in that particular district about 10 per cent. of the land is let out by the ryot to under-ryots ; therefore 90 per cent. is cultivated by the ryot himself, and 10 per cent. is cultivated by the others under the ryot who is also a cultivator of other lands of the same tenancy.

28. *The Chairman* : I think that supplements and fortifies what we were told the other day by Mr. Cassells in a very useful way. Now I would like, if I may, briefly to have the view of you two distinguished gentlemen on this. You point out that there is a margin which, in the circumstances, cannot be captured. Now, can that margin be taxed by other means ?—(*Sir P. C. Mitter*) : Yes, by means of cesses we may and we do capture that. I will give you some figures. Our last cess income averages 82 lakhs. Over and above that we have about 5 lakhs from union boards, and about 57 lakhs for chaukidari tax. That would give you 82 plus 62 lakhs. Well, that is more than half of our total land revenue, and at the present moment we have introduced a Bill in the legislative council which I understand has recently gone through the select committee, by which it is proposed to impose an additional cess for more than a crore of rupees for primary education. Therefore we are not neglectful of that part of the thing. But there are difficulties about raising cesses. I will take primary education as an example. Government pays only Rs. 1.14.0 a head on primary education and a total of about 17 lakhs for the whole province. If we could pay instead of 17 lakhs, 60 or 70 lakhs, then it would be easier to get more money by means of these local

cesses; and I ought to explain further, those local cesses do not benefit the provincial Government at all; they benefit the local bodies. So my point is that no portion of what is intercepted by this large number of subordinate tenures is available for Government purposes. Portions of it may be available for local purposes.

29. There is one thing you have just said which I do not quite follow. I quite see, of course, that a local cess, collected, it is true, by the central agency, but collected on behalf of and handed over to local bodies, is for their benefit, but still, if the cess is spent on education it surely does go in relief, does it not, of the burden which falls upon the provincial revenues?—(*Mr. Marr*): No, I would put it in this way, that as things stand at present the people will not agree to any increase in local cesses. If the Central Government was able to devote more money, say, to primary education, that would encourage people to stand an extra cess for primary education; but as long as the local Government is not putting forward any money, there will not be any increase in cesses.

30. That seems to amount to this—I am glad to be told if it is so—that the obstacle at present to raising more money for public services inside the Bengal presidency is rather the unwillingness to incur or impose such expenditure until what Bengal regards as its wrongs are righted, than the absence of a source from which further money might be got?—(*Sir P. C. Mitter*): It is not our unwillingness; it is impossible. No legislative council could pass that grant, and rightly and justly, because when they see what is being done by Government in the shape of their contribution in the Punjab, and what is being done in Bombay, then we cannot convince fair-minded men in the legislative council that we are entitled to raise cesses without increasing Government contribution.

31. There is a constitutional maxim in England—and I notice that constitutional maxims in use in England are used here sometimes with a different interpretation—"Grievances before supply"; and I suppose the position of the council here is, "Well, "correct the grievance of Bengal, and then we will "grant more money"?—That is no doubt true, but more than that, they say that the system in England evidently is that a certain percentage is found by the State, a certain percentage is found by the local people. Why do you ask us to deviate from that system? Therefore the point you raise is there, but there is a further point, that the system in operation in every province in India is that for these local services the provincial Government contributes a portion and the people contribute a portion from local rates, etc.; why do you in Bengal ask us (the local people) to contribute the whole thing, and not pay what is usual in every province?

32. *Lord Burnham*: I am afraid I do not quite follow how you can say, not only in education but in other public services, that what is paid in cess does not have an effect upon the provincial expenditure, because for roads, for example, grants are made from the provincial exchequer instead of cess being raised within the district. Then so far as the district gets the benefit of the money which is raised in the presidency generally, surely in everything the less that is raised in cess the more will be demanded in grant?—Yes, but take roads here. The bulk of the expenditure on roads is paid by the district boards.

33. I know, but then there are always demands being made, are there not, for more money for roads?—Yes. (*Mr. Marr*): Only as regards certain trunk roads; as regards the ordinary district roads that is not so. I will take as another example water supply. The standing arrangement is that if any local body, district board or municipality wants to get a new water supply, or to improve the existing water supply, Government pays one-third; they have got to raise the other two-thirds somehow or other. If a cess was put on for water supply, the people would still look to Government to put forward that one-third; they would think that it would be very unfair to put a cess on, and for Government then to stop its one-third grant.

34. Yes, but then is there not the other question, that beyond the cess in the district there is a power of levying a charge upon other sorts of property, is there not? In addition to the cess on land, is there not a professional tax?—There is a professional tax in the municipalities, but the receipts from that go into the general revenues of the municipality, and are not earmarked for any particular expenditure.

35. How does that operate in districts outside the municipal areas? Is there no such tax there?—There is no such tax. The professional tax exists in the municipalities, and not in all municipalities, I think. (*Sir P. C. Mitter*): May I explain that further? In areas where there are union boards, those men are taxed. To give you a rough idea, of our total area about 6½ per cent. is municipal area and 93½ per cent. is rural area. In the 93½ per cent. that is rural area, union boards (that is, local committees dealing with groups of villages, of about ten square miles each) are being started; and you will find from our books that we have started union boards over large areas in Bengal. Wherever a union board has been established that tax is available for the union boards, but the amount of that tax will be comparatively small, because the main wealth of the country is agricultural and not professional, and professional and business men usually live in the towns, and very seldom in the villages.

36. *The Chairman*: With that in mind, I think one would like to get you to deal, for the benefit of the Conference, with two or three general considerations. Of course, what strikes one when one examines the history of the financial relations between the provinces and the Centre is that in the old days, when there was a division on a different basis and a new arrangement was being discussed, there was a very considerable consensus of opinion that divided heads of revenues were a bad arrangement?—(*Mr. Marr*): Yes.

37. I think that is true in fact?—Yes.

38. I do not know how it stood with Bengal. I am not in the least seeking to hold you to-day to any view you previously held, but when the Montford reforms were under discussion was the view held in Bengal that there was no objection to divided heads?—I was not here when the Montagu-Chelmsford report was under consideration, but I was here when the Meston Settlement came, and we were certainly under the impression then that we should do our level best to do away with divided heads.

39. Even at the time when the Meston Settlement was under discussion, and the different provinces were being asked for their views, you say Bengal, you think, did not feel so strongly the importance of keeping absolutely separate heads?—Yes, we did.

40. You were against divided heads?—Yes. As a matter of fact, we thought we would be better off, and that hope has been falsified; but even then we wanted a share of income-tax. We wanted every other head to be an undivided head, but we still wanted a share of income-tax.

41. Is there in your view to-day any way of reallocating heads of revenue (so much for you and so much for you) which would produce equity?—Mr. Layton tackled me about that last night, and certainly I should like to think over the question again. Up to now we have not been able to think of any other plan except what we have put forward; that is to say, to keep the present divided heads and to revise the present arrangement as regards income-tax. I have not been able to think of any other satisfactory plan except that. We recognise, moreover, that whatever may be done as regards the income-tax for all the provinces in India, that will not be sufficient for Bengal, and therefore we have asked that the account should be balanced by giving us a share of the export duty on jute.

42. I will come to that in a minute; there seem to be some questions arising on that. Tell me this. I am putting a question Major Attlee has put more than once, but I have never gathered quite clearly the view of the witness upon it. What is your view as to the proper way in which to approach the thing. Is the proper way to seek a solution to consider the needs of the provinces, with the idea that you will ultimately level up and get a proportionate mean of needs everywhere, or is the governing consideration what you may call the taxable capacity of a given area, so that there will be areas which will simply take up the position, " Well, we cannot pay for " ourselves, and therefore other people must pay for " us " ? What do you think is the principle on which it ought to be done ?—I can express only my personal opinion; this has nothing to do with Government; but I have always felt the principle criterion is the needs, and I think that is where the Meston Committee went all wrong. The fundamental fact to be ascertained first of all is, what is the normal expenditure of the province. After that figure has been arrived at, one can then turn to the other factor—how are we going to meet that normal expenditure. That is my personal opinion. (*Sir P. C. Mitter*): Here also I will give my personal opinion, for the simple reason that on the letters we had our Government did not feel they were called on to decide this very important question. Furthermore, the provincial Governments are not in a position to advise an important body like this. We may have some general idea of what Bombay is doing and Madras is doing and so on, but we have not definite knowledge. Also, we felt we were not writing on a clean slate. Before the time of the Montagu-Chelmsford report there were divided heads. The Montagu-Chelmsford report, without examining at all what would be the position, first decided that divided heads must be got rid of for *a priori* reasons, and some other means found on the basis of complete heads to provinces and complete heads to the Government of India for adjusting the difficulties. After that came the final settlement under the Devolution Rules, after the report of the Meston Committee. Our Government took the position as it found it; that is to say, if there were going to be only several complete heads for the provincial Government, they sought the best way out of the difficulty under the system of complete heads. Perhaps from general considerations something which you suggested would suit us better, but that would require very careful consideration and a re-examination of the whole position, and we are not in a position, either individually or as a Government, to deal with the matter; but certainly an examination on those lines would be best. There is another point I want to make. The population in a particular province is an important matter that cannot be ignored. If you approach that general question, it has to be approached either from the point of view of the needs of the province or from the point of view of the taxable capacity of the province.

43. Of course, it is one of those questions which it is very tempting to ask and extremely difficult to answer, but I rather think if there is going to be as a result of this inquiry some recommendation, at any rate in principle, as to how the financial position should be readjusted it would be extremely important to determine which of these considerations is paramount. Do not you agree ?—On that point I should like to make a personal suggestion. It is personal, for Government has had no occasion to consider it. I think in that case there ought to be a very detailed examination of the financial position of the Government of India and of each province, and not like the one that took place when Lord Meston's Committee was called on to do the impossible task of finishing their work in three months, more than half of which was spent in travelling. I suggest there are three types of province in India: there are some agricultural provinces, such as the United Provinces, the Punjab, the Central Provinces and Madras; there are some industrial provinces, like Bombay and Bengal (but with the difference that Bombay has a temporary land settlement while Bengal has a permanent settlement), and thirdly, there is a province by itself—Bihar and Orissa—which is permanently settled, with very little industry. If you really want to have an investigation, perhaps the best thing would be to have a committee on which these different types were represented, with financial experts from England. After the matter has been investigated perhaps you will be in a position to decide; otherwise nobody has the necessary materials and knows what to advise. Even if you ask provincial Governments to help you, it will be very difficult for our Government, say, to know the details of the Punjab or the United Provinces. Then the question of how to do justice to the different provinces and (what is very important) justice to the Government of India can be decided. We have not the materials to decide.

44. *Sir Hari Singh Gour*: How long would such a committee take, do you think ?—I do not think it would take very long if it proceeded on a right basis.

45. *Lord Burnham*: Two years, do you think ?—If you ask me for an off-hand opinion, perhaps six months would be quite enough. (*Mr. Marr*): To go back to the point about needs against taxable capacity, if needs are not going to be taken as a first criterion, I do not see how a province like Bihar and Orissa can ever get adequate provision.

46. *The Chairman*: I do not want to delay on generalities, though I thought it was useful to raise that point. Just let me put a question about a specific proposal which you put forward on behalf of Bengal. The first thing that strikes one about that, and I should like to have your view on it, is this. If those proposals are adopted, they may be proposals that would go a long way to satisfy the case of Bengal, but they are not proposals, I should have thought, which would form a type which similarly applied would satisfy other provinces.—(*Mr. Marr*): Perhaps not; but when we put forward that income-tax proposal we had definitely in mind that it would help all provinces, and it was for that reason that we did not propose a specific percentage, because what we wanted was that, whatever figure was decided on, we would come into line with all the other provinces. We have not up to now gone so far as to work out how other provinces would also benefit; we have not put forward the specific figure that Bombay has; but our claim is that we are prepared to come into line with all the other provinces at whatever percentage is ultimately decided upon.

47. That is to say, so far as income-tax is concerned, if I follow rightly, the Bengal Government's proposal is in this condition: it proposes that Bengal should get some share of income-tax, but it does not (to use the lawyer's phrase) condescend upon particulars. It does not say how much or on what principle ?—No, because that depends very much indeed on what other provinces want, and what the Government of India can afford.

48. *Sir Hari Singh Gour*: They do get a share of income-tax now ?—We do not get any share. That is a thing that I want to make perfectly clear. We get a share on paper, but we do not get a rupee. (*Sir P. C. Mitter*): The submission we make will benefit every province, barring, perhaps, Bihar and Orissa, for this reason. We suggest that a percentage of the income-tax should go to the provinces. Now, barring Bihar and Orissa and Bengal, every province is temporarily settled; therefore every province has an automatic increase. Bihar and Orissa being permanently settled, and not being an industrial province, perhaps something has to be thought about them, and in the original settlement, too, they had not to pay any provincial contribution, because they had no money.

49. *The Chairman*: I quite agree with you to this point. The suggestion that the provinces should

get a more effective right to a share of income-tax is a suggestion which, in different forms, has been made to the Conference in many places. Bombay makes it; lots of people make it. I do not know that they all agree as to the method. But your other proposal, which Mr. Marr very frankly says may be explained by looking round to see what there is you could ask for (and you cannot find anything but this), that is to say, to get a jute export duty.—(*Mr. Marr*) : Not necessarily all.

50. Well, some of it ?—Some of it.

51. That, plainly, is a proposal which is put forward exclusively from the Bengal point of view. Jute is a Bengal monopoly ?—Yes.

52. What occurs to one is, if you wanted to consider how a proposal of that class, if adopted, would strike other people, Bihar and Orissa, I should have thought, would have said, " Now, we should like an " export duty on coal."—Yes, except that they could not get it. The coal would not then be sold.

53. Coal, I agree, is not so exclusive a monopoly as jute.—Quite so.

54. *Sir Abdelkerim Ghuznavi* : The two are quite different.—I do not think there is any other commodity in the same strong position as jute is. (*Sir P. C. Mitter*) : Another thing, if I may explain it, is this. In 1921 when we went up on deputation, the representatives of jute were in Simla. They told us that they were quite willing that jute should be taxed by one Government, whether it was the provincial Government or the Central Government; but they would oppose jute being taxed by two Governments, because they claimed that jute may be a monopoly to-day, but if you put an undue pressure on jute, then it may cease to be a monopoly, and may follow the fate of indigo, saltpetre, and heaps of other things.

55. *The Chairman* : If I understand rightly, jute is a subject matter which is liable to very considerable fluctuations, and if you regard a jute export duty from the point of view of the finances of the Government of India, the Central revenues, the jute export duty is about 4 per cent.; so that even if there is considerable variation, the alteration is not such as completely to undermine the balance of the scheme; but the jute tax, if you took the whole of it, would be about 25 per cent. of Bengal's taxation, perhaps even more.—(*Mr. Marr*) : Taking it roughly, there has not been very much variation. It is round about 3½ crores. Last year it was 3·64, the year before 3·75; but once it has settled down it is about 3½ crores.

56. A consideration which occurs to all of us, of course, is this. It is a very serious proposition to say that an export duty should be the interest of one province. At any rate from the point of view of theory, whether you are dealing with a customs duty that is on imports, or a customs duty that is on exports, it certainly is, in point of theory, and I should think for very many large reasons of policy, most desirable that it should be the consideration of the Centre, is it not ?—Yes, I agree.

57. One must admit that. For instance, commercial policy must be in the hands of the Central Government, relations between India and other parts of the world, with possible reactions of retaliation, and all sorts of things. It is essentially a part of Indian fiscal policy, and it is, therefore, a very striking departure from that to treat an export duty on jute as though it was concerned with a province as distinct from the policy of India as a whole ?—I admit that, but we were encouraged to put this forward by the Indian Taxation Inquiry Committee in their Report themselves including export duties as a balancing factor, as a last resource, I admit.

58. *Sir Hari Singh Gour* : Do not they point out the excise duty on cotton ? The same point was raised by Bombay, and over-ruled by the Government of India on the ground that the Chairman has just stated ?—I do not think Bombay has a monopoly of cotton as jute is a monopoly in Bengal, as far as the rest of the world is concerned.—(*Sir P. C. Mitter*) : May I give one other reason ? The Government of India has agreed that the policy of export duties shall be given up. If they stick to that policy, and if they give up export duties, we can have local cesses on jute. We might get a lot of money at a big jute mart. The Government of India have given up export duty in lots of things, and they are more or less committed to that policy. And another thing is, if they retain an export duty, then the Central Government, the Government of India, must retain all powers and control over it, because, as you very rightly observed, if I may say so, there are international questions, questions of retaliation and so on, which arise. Let them either follow their own policy of not charging any export duties, or let them retain every safeguard for international matters, and yet let us have the proceeds from jute-tax in some shape or other, because it is our particular produce. And a third thing is, if they keep it, then let them follow the system obtaining in some Federal States in other parts of the world, and give us enough to live on.

59. *Lord Burnham* : Of course, you recognise that there is the same danger in a local cess that there is in a general tax, putting a premium on the production of jute elsewhere than in Bengal, and establishing an industry which may be not only competitive with but superior to your own. There is always that danger. You see, in a very different way, the operation of the Stevenson Agreement in regard to rubber. I am not saying it is parallel, but you see the danger. and I believe in the same part of the world in which the competition arose in regard to rubber.—(*Mr. Marr*) : My reply to that is that the duty exists, and it is so low that as far as anyone who has any knowledge of the trade is concerned, it does not endanger the jute industry to the smallest degree. The Taxation Inquiry Committee's report points out that it is impossible to say by whom it is paid, whether by the producer or by the buyer.

60. It is all a matter of expediency, I quite agree. —But it is so small that it does not affect the jute market at all.—(*Sir P. C. Mitter*) : There is another reason. We realise the danger. We want the cess here, but if it is a question of putting up the cess for provincial purposes, every community in Bengal will see that this valuable commodity will not be lost by taking too much out of it. We are likely to be more careful than the Central Government in distant Delhi or Simla.

61. *Lord Burnham* : I have only one question. Are you in favour of putting an income-tax upon agricultural incomes ?—The Government as a whole has not come to any decision, but the figures they have had before them would seem to show that it would bring us very little; but we cannot answer that as government officials.—(*Mr. Marr*) : Personally I am in favour of it, but subject to a minute examination I do not think it would bring anything like as much as is expected by some people.—(*Sir P. C. Mitter*) : My own estimate is 10 lakhs at the most.

62. *The Chairman* : Is not the figure you have just mentioned simply based upon taking agricultural income ? Is that the right test ? If I understand rightly, the income-tax of India is a graduated tax, which is at a higher rate if the individual taxpayer has got a higher total income. Now, if you add the agricultural income which is possessed by people who now pay some income-tax to their present assessment, you would get more than 10 lakhs ?—Yes; from 10 lakhs it may go at the most to 15 lakhs. I can give you one general figure. Out of about 3 lakhs of proprietory estate holders in Bengal, there are not more than ·2 per cent. of the whole whose minimum income is more than, say, Rs. 10,000 a year. I can prove that.

63. *Rao Bahadur Rajah* : Would that include super-tax ?—No.

64. *Major Attlee* : I have only got one or two questions to ask. During all the period in which you have been under the permanent settlement

have any proposals ever been made for stopping this system of sub-letting ?—(*Mr. Marr*) : Never ; not so far as we know. How can we ? There is no power in Government to stop it, and no power to prevent the holder sub-letting.

65. Why not ?—(*Sir P. C. Mitter*) : I can answer that question as a lawyer. When Government hands over certain property for all time, then, unless the Government is an unjust Government, it ought not to take away that property ; and if you want to take away that property, let that be taken away directly and not by any other way. And, furthermore, it had a beneficial effect. We have, sir, here on a small scale the nationalisation of land about which some people have been fighting.

66. *Sir Hari Singh Gour* : Nationalisation by sub-letting ?—Yes ; for it divides a huge profit of about two crores amongst a large number of people.

67. *Major Attlee* : A good number of ryots, if I may say so, are mere parasites taking profits and doing nothing.—They are not parasites. Both the statutory ryots and the under-ryots do cultivate the land. Both of them work and none of them are parasites. Take again the small tenure-holders. The small tenure-holders—their number is legion—arise in this way, that a prosperous ryot—he may not be able to cultivate all his land, but lets out a portion to his tenant, making himself responsible for seed and so forth ; he looks after the cultivation perhaps, advances his money and shares in the profit in the shape of produce-rent. I quite admit that a very small percentage may be parasites, but it is a very small percentage, and even in the case of the small percentage who may be described as parasites, the complex system is such that most of their time is taken up between law courts and the question of management of the land. Fifty-four per cent. of our litigation arising out of rent suits is attributable to them, and if you get rid of that system, there may be a big fall in our court-fees income. We exist mostly on taxes on vice—litigation, gambling, drinking and betting.

68. It seems to me that the result of the whole system is that a large number of tenure-holders exist who seem to be doing nothing, and they are all on the back of the ryot, because he is the only person who works ?—No. The small tenure-holders also advance money and supervise and help cultivation. Without the tenure-holders many of these ryots would not be able to cultivate. It is a complex problem.

69. My next question is, are you trying to get at some definite constitutional principle on this financial question with regard to the various provinces. I do want to try and get what is your conception of the relationship of the provinces to the Central Government, because it is an important constitutional point as to whether you consider there should be a general level throughout India, or as to whether you think that the rich province should help the poor province, or whether a province should stand on its own legs or not ?—That is a question, sir, on which we have already expressed our own personal opinion.

70. We cannot tackle this question of rights and wrongs between the provinces purely from the point of view of justice ; and when we consider the abstract question of justice to Bengal, we have got to consider on what principle you have to set that right ? —I have already said that it must not be considered from the point of view of justice to Bengal alone ; it must be considered from the point of view of justice to every other province. Therefore, that investigation has never been made, and for that investigation, if it should be properly made, there ought to be persons in a committee who can not only put forward the viewpoint of his own province, but also act as a sort of judge. Therefore, speaking for myself, I would welcome the appointment of such a committee to deal with the question on a just and fair basis. To-day we have not got the material on which to base it. (*Mr. Marr*) : I would add this. I cannot conceive of any general formula which could be applied to every province in India and give justice. It appears to me that the conditions vary so much that you must change your formula for different areas to give the same justice.

71. The point I am making is this. You have the curious system of permanent settlement here. Is that to be taken into account when considering the position, say between Bengal and Bombay, or am I to take the potential worth of your province ? You say that you want to have something more than that because you are hampered by the permanent settlement. But that after all is a domestic matter of your own ?—(*Mr. Marr*) : No, it is not. It is of the Government of India ; it is not of the Government of Bengal at all. It was laid down by the Government of India and put through by the Government of India. (*Sir P. C. Mitter*) : And further, sir, when certain important things, such as Law and Order, were provided in the other provinces, and peace and ordered government were brought out of chaos in other provinces, it was done mostly with money obtained from the permanent settlement in Bengal, and while other provinces benefited in the past by the money obtained from the punctually collected land revenue of Bengal, the permanent settlement of 1793 had left a permanent damage to our province, and that is a factor which I am sure an impartial committee will consider.

72. That will probably throw light into a large amount of historical facts and you think that probably it may lead to the abolition of the permanent settlement ?—(*Mr. Marr*) : We are landed with this problem now and I cannot see any possible way of undoing the history of the last 130 years.

The Chairman : Then we may safely say that nobody now living is responsible for it.

73. *Major Attlee* : You are considering the financial position of the Government of Bengal arising out of a particular system of land settlement in Bengal, whereas I am considering it from the taxable worth of a particular province. Supposing your Government is self-supporting and the province is as rich as any other province. In considering the queston of apportioning among the different provinces the expenditure of the Central Government, am I to take the taxable capacity of the different provinces apart from any particular law you are suffering under ?—(*Sir P. C. Mitter*) : We are a wealthy province ; we do not dispute that, and it is because of that that we are contributing certainly 12 to 13 crores out of the 18 crores to the Central Government. We can establish that point before the committee. (*Mr. Marr*) : I think you must take into account the taxable capacity, but before that my personal opinion as I have already said is that the first criterion is the needs of a province, and until you arrive at that figure, I cannot see how you can proceed. (*Sir P. C. Mitter*) : My point is this. If you take the taxable capacity of the province, we say that we pay very much more than any other province, barring perhaps Bombay, and the taxable capacity should be examined after taking into account the tax paid to the provincial Government as also to the Central Government.

74. In that case, if there is a province which is poorer than another, would you say that it should have a grant-in-aid from the Central Government ? —(*Mr. Marr*) : I am prepared to go as far as that.

75. Therefore, there is no objection to setting up a new province which cannot stand on its own legs because you say that it can get a certain amount of grant-in-aid from the Central Government ?—(*Sir P. C. Mitter*) : My answer is that we cannot really answer that question in the present state of our knowledge, and nobody in India knows the position till the matter is investigated. About the principle I do not question.

76. *Colonel Lane-Fox* : Have you considered the question of imposing a death duty whereby you may improve your financial position ? A tax of that kind would perhaps be divided between the province

and the Central Government. Have you considered any system of that sort ?—(*Mr. Marr*) : I have not seen the papers for some time, but one great difficulty in that has always been the joint Hindu family.

77. *Sir Hari Singh Gour* : But you have not got that in Benga . You are not governed by the Mitakshara law ?—(*Mr. Marr*) : The question is still under examination. (*Sir P. C. Mitter*) : The matter was examined at one time about the year 1922, and I believe the matter is still under further investigation. One difficulty is what Mr. Marr pointed out. The Marwaris are a rich trading community. They are governed by Mitakshara law. Another difficulty was with regard to landed estates, many of the big estates have not only no money, but they are heavily indebted, and if you want to realise the sum, say, in three years, it will be a very great hardship and the percentage will have to be small. If you spread it over a large number of years, then further investigation is necessary. It was once investigated, but it is a very difficult problem. We may be able to get something out of that, but that is in common with the rest of India. We are now on the question of the allocation of the resources.

78. *Colonel Lane-Fox* : But you do not say that the difficulties are insuperable ; difficulties have occurred in other countries like India. Anyhow, you say that the matter is under examination ?—(*Sir P. C. Mitter*) : There is one figure at page 16* of the Government memorandum which will give you an idea that it cannot be very considerable. You will find there that the number of persons living principally on their income is only 10,206 males and 3,440 females. We are a poor country. We may get something out of that, but it will not be anything like what you may get from richer European countries from death duties.

79. *Sir Abdelkerim Ghuznavi* : You told us that the total amount of income-tax and super-tax collected in Bengal is about 6 crores. But how much of it is locally earned ?—(*Sir P. C. Mitter*) : In 1920 we calculated it at about 90 per cent. ; we are not in a position to calculate it to-day. (*Mr. Marr*) : I would not like that figure to go forward as it stands; that was my figure. We prepared it in great hurry for the Meston Committee before they came back to Calcutta from Rangoon, and as far as we could make out, of the income-tax collected in Calcutta 90·1 per cent. was earned purely in Bengal. What that figure is now I have no idea whatsoever.

80. How much will it be more or less ?—(*Sir P. C. Mitter*) : How can we say that without enquiry ? (*Mr. Marr*) : It is impossible to say. It depends very much on the jute industry.

81. *The Chairman* : Will you tell me one thing about it ? Never mind if the figure is right or not. Did you treat the profits made by a limited company that is registered in Bengal, or was carrying on business in Bengal, as being earned by Bengal ?—(*Mr. Marr*) : No. As regards companies we divided them into three classes—companies which worked purely in Bengal and had no ramifications outside Bengal at all, companies which were purely outside Bengal although their offices happened to be in Calcutta, and the third class was companies, for example, banks, which had dealings both in and out of Bengal ; after having classified them into these three different classes, we totalled the figures in each class, and it was on that calculation that No. 1 class came up to 90 per cent.

82. Then you did treat the profit of such a company as being attributable to Bengal, because the company itself satisfied the test. But it did not involve any enquiry as to where the shareholders lived ?—We did not pursue the domicile of the shareholders at all.

83. *Sir Abdelkerim Ghuznavi* : Similarly I would ask what portion of the revenue from customs is money earned from Bengal ?—(*Mr. Marr*) : It is impossible to say that. We can only say as regards the export duty on jute that most of it comes from Bengal. As regards import duties, the Meston Committee went very thoroughly into this question, and found it absolutely impossible to trace import duties to their final destination.

84. At page 90* of your memorandum you say that the total revenue paid by Bengal to the public exchequer is 35 crores. How do you say that ?—That only means the amount realised within the province.

The Chairman : That depends mainly on where it is collected.

85. *Sir Abdelkerim Ghuznavi* : You said just now that most of the jute export duty is collected in Bengal. How much of it was earned in Bengal ? —Not all of it, because as you know a little jute is grown in Goalpara and in Purnea. It is very difficult to say ; probably 90 per cent. or something like that.

86. Do you say that ten annas out of a rupee collected in Bengal goes out of Bengal ?—(*Mr. Marr*) : I would not like to commit myself to a figure as near as that.

Sir Abdelkerim Ghuznavi : I have taken the figure from the Government memorandum and I want you to substantiate that.

87. *The Chairman* : It comes to this, that the figure of 69 per cent. on page 90* is, as far as you know, a correct piece of arithmetic ?—Yes. That is as near as we can get it.

88. *Sir Abdelkerim Ghuznavi* : Will the Revenue Member please tell us what is the position of the landlords in Bengal, from the landlords electoral roll, for instance ?—(*Sir P. C.Mitter*) : In West Bengal the qualification is the payment of Rs. 6,000 land revenue and in East Bengal payment of land revenue of Rs. 4,000 or rent of Rs. 4,000 on permanent tenures ; permanent tenure-holders in West Bengal are not voters.

89. What will be the income of these men ?—I cannot tell you the income of each of these men. I think the minimum income would be Rs. 8,000 to Rs. 10,000, and the maximum may be very considerable.

90. What percentage will that be ?—I have already told in answer to a question that it is 0·2 per cent. of the total number of zamindars.

91. *Mr. Travers* : As the land has been given out for all time and distributed under the settlement between one million holders, a large majority of whom are illiterate or nearly illiterate, would not any land revenue tax, the benefit of which is not immediately visible, bring this province very near to revolution ?—If you get rid of the permanent settlement the number affected will be about two millions ; one million is the number of zamindars.

92. Yes. But would not any land revenue tax bring us very near to revolution, say, like the Bardoli trouble ?—(*Mr. A. Marr*) : I would not go so far as to say revolution. Undoubtedly there would be a great deal of trouble about it.

93. *Maharaja Shashi Kanta* : Can you say approximately what proportion of the zamindaris in Bengal are held at present by families of persons in whose time permanent settlement was made, i.e. in 1793 ? —Very little, because many of them were sold out by the " Sunset " law within one year of the permanent settlement. (*Sir P. C. Mitter*) : I would refer you in this connection to page 79 of the report by the Secretary (Mr. McNeil) of the Board of Revenue, 1923.

94. With reference to your statement about the jute duty, is it not a fact that jute prices are not very stable and a good deal of the profit due to the cultivators is taken away by middlemen and that whatever the profit of the cultivator may be from jute cultivation the zamindar's income is hardly affected by it ?—Under the Bengal Tenancy Act we cannot take into account anything but a rise in the value of staple food crops for the purpose of enhancement of rent. Jute prices are no doubt fluctuating and a certain amount of the profit is taken by the middleman, but it is very difficult to answer definitely.

* Vol. VIII.

* These figures were subsequently amended, and the *revised* table (*vide* Appendices at p. 428–9 of this volume) is printed on p. 90 of Vol. VIII.

95. *The Chairman* : Jute is not a staple food crop ?—No.

96. *Khan Bahadur Faroqui* : In formulating proposals for a new Constitution have the Government considered the recommendations of the Bengal Retrenchment Committee of 1922 which, I think, recommended an annual saving of 50 lakhs ?—(*Mr. A. Marr*) : We considered every paragraph of that report and we have done what we could. Before their report was ready we had already made retrenchments and after the report was received we went through it in detail and retrenched wherever we could. We found it impossible to carry out all the recommendations. (*Sir P. C. Mitter*) : For instance, the committee make recommendations about the civil service. We have no power to deal with such recommendations.

97. Will you please arrange to send a copy of the report for the Commission to go through ? I think it is a useful document.—(*Mr. A. Marr*) : Certainly.

The Chairman : Thanks, very much.

98. *Maulvi Abul Kasem* : The Member in charge of Land Revenue told us that he has got the figures of the total rental received from the statutory ryots, by which I mean occupancy ryots, in those districts in which settlement operations have been completed. Can he kindly give us the total rental received from the statutory ryots in the district of Mymensingh and Barisal ? (*After a pause*) Let that go. I want to know, sir, the revenue paid by the district of Mymensingh and its area as also the revenue paid by the district of Burdwan and its area ?—(*Sir P. C. Mitter*) : You can get the information from the Land Revenue Administration report. I will give you the figures from the report. Burdwan (I am giving the revenue from the permanent settlement), 30,13,701 ; Mymensingh, 7,65,385.

99. *The Chairman* : Which page is it ?—Page 30.

100. *Sir Arthur Froom* : First of all, with regard to the finances of your district boards, has the Government of Bengal considered the introduction of motor tax ?—(*Mr. A. Marr*) : In this matter we are awaiting the report of the Roads Committee ; we have not actually taken the matter into consideration.

101. For instance, you have got it in Calcutta. I think in Calcutta one has to pay motor tax ?—Yes ; the money all goes to the Corporation.

102. You call it a high one ?—No. I think it is about Rs. 48 a year.

103. Outside Calcutta you do not pay anything at all ?—No. (*Sir P. C. Mitter*) : So far as this question is concerned, a Bill was introduced in 1925 in the Bengal Legislative Council by the member in charge but the Government of India wrote to us to say that we should not proceed with the Bill till a proposed enquiry by a Central Roads Committee was completed.

104. You see it is a source of revenue which might help the district boards very considerably ?—(*Mr. A. Marr*) : Yes, but that would not help us at all.

105. Yesterday we had a suggestion put before us that the financial administration of the High Court should be transferred to the Central Government. I think the general administration is already in the hands of the Central Government ?—Yes.

106. But the Bengal Government pays for it ?—Yes ; it is a triangular arrangement.

107. If the financial administration of the High Court is transferred to the Central Government, would you agree to all the revenues from judicial stamps being made Central ?—Oh, no ; most of it comes from outside the High Court.

108. I suppose the Central Government would be entitled to get some revenue out of the earning powers of the High Court ?—If the proposal is adopted, probably we will have to come to some arrangement with the Central Government with regard to the expenditure on the High Court and the receipts from it.

109. With regard to the question of the disabilities under which you are suffering for want of sufficient revenue you put forward suggestions for getting more money from two sources, one is income-tax and the other export duty on jute. Now let us take the second source. Let us suppose that the Central Government just balances its budget. You ask for a crore and a half and the Central Government has to find out this amount somehow and presumably by some fresh taxation. Will not then the position be that the other provinces have been taxed solely for the benefit of Bengal ?—We only want 3 crores ; it does not matter to us how it is found. If we were to get 3 crores it may mean that the whole of India will have to be taxed.

110. My point is this : Suppose you have to get 1½ crores out of jute, the Central Government has got to find that money, and they increase income-tax or salt tax. The whole of India in that case will be paying increased taxation without getting any relief while Bengal will be getting it. So I do not think that suggestion will be very popular with the Central Government ?—The income from jute cannot be taken as a single instance. All the provinces are putting in their claims. There must be adjudication of the claims and allocation of revenues to each province. The extra revenues will have to be found by the Government of India, by taxation on India as a whole if necessary.

111. I do not think you have caught my point. My point is that you do not get 1½ crores out of jute and you have got to find it from the general revenues of the whole country ; the Central Government will have to make up this amount, presumably by taxation ?—Yes. When Bombay asks for half the income-tax that means the Government of India would have to increase the taxation to find that money and that taxation would be paid by the whole of India. The same argument applies in our case too.

112. Bombay claims half the income-tax and it will not object to Bengal claiming a similar share. But you are claiming a share from jute ?—Yes, that is another claim. Our claim is that we should be put on the same level as regards income-tax as all the other provinces. If that level brings us 3 crores we do not want any share from jute. We do not think that the Government of India can find sufficient money from income-tax and therefore as a balancing factor we have suggested a portion of the jute tax.

113. Might I suggest to you to drop your proposal about jute and press your proposal in regard to income-tax as the latter proposal will be more popular ? Supposing each province were to get half the share of income-tax, would you not get 3 crores ?—Including super-tax, roughly, yes.

114. Then in that case you will not worry ?—We will not. We only want the money. We would not mind even if the Government of India were to double, say, the salt tax and find us the money.

115. Supposing the Government of India were to give up half the income-tax, it will, I think, amount to about 8 crores. I have heard a suggestion that the revenue from non-judicial stamps should be returned to the Government of India ; this revenue, I think, is about 6 crores. And you come off for about 2¼ crores. That is one side of the picture. I now come to the other side. In your proposals I do not see any suggestion made as to how the Government of India should recoup itself ?—I do not think that is our business. We have recognised all along that, if the financial settlement were to be put right as we consider it, it would not impose a big burden on the Government of India.

116. I have heard a suggestion that there might be excise duty on tobacco in this country which on a moderate charge will produce about 2 or 3 crores. Have you considered this suggestion ?—We have considered it, but we have not gone into details.

117. If the proposal is adopted it will give the Central Government 2 or 3 crores. I think it is fair and reasonable to support such a proposal.

Income from income-tax will go up. (Based on the present year it is low).—It is very difficult to say whether it will go up.

118. Customs might go up. They have always been expanding. So with, say, a tax or excise duty on tobacco, it would provide nearly 50 per cent. of what the Central Government gives up and it is also suggested that succession duties might be considered ?—Yes, Colonel Lane-Fox suggested that.

119. Do you think that would be a good general scheme to put forward ?—It is impossible to say what these taxes would produce. I cannot give you any figure. I have not got any idea whatsoever. It will require a very detailed examination.

120. You are prepared to drop your claim for a share on the export duty on jute provided you have a share of the income-tax ?—We do not mind where the money comes from. We want the money.

121. Do you think that the question of giving you a share of the income-tax will be more popularly received by the Central Legislature because everybody is concerned with it, whereas everybody does not get a bit out of jute ?—I said that our position has always been that some share of income-tax should be allotted to all provinces. We do not claim a bigger share to ourselves.

122. I do not want to go into details about jute. I want to know if that would be a fair way of doing it. Because the provinces that do not contribute a great deal of share of income-tax are getting a great deal of advantage otherwise because the provincial contributions have been remitted. For instance, take Madras. Madras is 348 lakhs better off than it was and the United Provinces 240 lakhs better off than they were. Bengal is not any better off because of the remission of provincial contribution. So also Bombay. It seems to me that those provinces who have not had a bigger revenue from income-tax have paid the biggest share as contribution to the Government of India because they have a bigger expanding revenue. Take, for instance, Madras with big land revenue. They paid a bigger share to the Central Government, namely 348 lakhs. Now they are better off by 348 lakhs. That is why I suggest to you that if you pin your faith on income-tax there is a certain balance to even itself up amongst the provinces. For instance, Madras might say, " We " do not get anything by way of income-tax," but your reply would be, " you have your 348 lakhs " ? —Yes, I see the point.

123. *Mr. Kikabhai Premchand*: Do you think that the reimposition of export duty on tea would help you ?—It goes to the Government of India. The yield was 43 lakhs in 1925-26.

124. If the duty is reimposed and is transferred to you, would it help you ?—It does not matter to us where the money comes from. We want money.

125. *Sir Hari Singh Gour*: Your point is a very simple one. You do not care who pays the money. You will be satisfied so long as you are paid ?—I would not put it in that way. My main consideration is that I want the money. But I do care how it is found.

126. The man who pays you wishes to enquire two things from you. The first is, you have been given certain statutory powers to raise money; why did you not raise the money yourself ?—We were the first province in India to levy taxation under the new statutory powers.

127. For instance, you have the Scheduled Taxes Rules, under which you could have levied a very large number of taxes. Under Schedule I you can raise taxation for general purposes, and under Schedule II, for special purposes. I will first deal with Schedule II, " A tax on land or land values." You have a very large power of taxation under this head for local purposes, that is to say, for the benefit of the nation building departments ?—(*Sir P. C. Mitter*) : A large amount of taxation is raised already under this head.

128. Have you raised any taxation since you have got this power on the 3rd January, 1921 ? Have you put on any land tax ?—(*Mr Marr*) : No.—(*Sir P. C. Mitter*) : We are trying to put on land tax in the shape of educational cess. After having improved our resources to the extent of about 2 crores by retrenchment and taxation for meeting our ordinary expenditure, no member of the legislative council would agree to any further taxation. —(*Mr. Marr*) : The taxation that we put on was to balance our budget. The Meston Committee report said that it was unthinkable that any province should be forced to put on taxation to meet its normal expenditure; yet we were forced to do this to meet our ordinary expenditure.

129. What taxation are you referring to ?—Betting tax and amusement tax, and the increase in stamps.

130. I am dealing with Schedule II ?—(*Sir P. C. Mitter*) : My answer is that under the conditions it was impossible to think of any tax either under Schedule I or under Schedule II.

131. It has been suggested to us that you did not utilise the provisions of your special taxation under these schedules because you felt you were hit hard by the Meston Settlement and that it would weaken your case if you raised any local taxation ?—(*Mr. Marr*) : We had already raised fresh taxation previous to that.

132. In 1922 when you found that you had to face a deficit you went up to the Government of India and said that you were going to throw out the ministry and that you could not carry on unless the Government of India came to your help ?—(*Sir P. C. Mitter*) : If anybody suggested it, it is wholly wrong. The deputation you refer to was not in 1922. It was in 1921. There was no threat held out. I was a minister then, as also Sir Surendranath Banerjee. Both of us went on that deputation, but we held out no threats whatsoever.

133. The point is that you wanted remission and you got it for three years ?—(*Mr. Marr*) : This is what Sir Malcolm Hailey, in moving a resolution to remit the Bengal contribution, said : " We " (Government of India) have examined the case " both narrowly and critically, and it appears certain " that with every economy Bengal must have a " deficit of not less than Rs.1,20 lakhs. Even if " we made no allowance for any extra expenditure " for improvements which we are told are necessary " if the Reforms are to be a success, Bengal would " have that deficit, even if it provided only the bare " minimum expenditure required to carry on the " ordinary administration of the province."

134. That was on the basis of the existing taxation. Sir Malcolm Hailey was dealing with the question on the basis of the existing taxation. He was not adverting to these Scheduled Taxes Rules at all, and you did not raise any money in Bengal before you went up to the Government of India under the special powers given to you by these rules of 1921 ?—Because the Meston report said that it was unthinkable to do so.

The Chairman: It seems to be quite plain that the Meston Settlement was designed with the intention that it should make such a provision with the different provinces that they would not need to impose new taxation. In fact it turned out in Bengal that they could not keep afloat under the Meston Settlement without imposing new taxation.

135. *Sir Hari Singh Gour*: But that was not the reason why they did not put more taxation ?—We put on more taxation and even now we are not balanced, and as Sir P. C. Mitter pointed out we could not possibly approach the council with any hope of success in getting any further taxation.

136. It has been suggested and I think that is one of your grievances that out of every rupee raised in Bengal the Government of India take away two-thirds of annas 10 under jute, income-tax and so on, and you have yourself admitted that so far as the companies are concerned, you are entitled to the profits of the companies and that makes out a specially strong case ?—I never made that claim. (*Sir P. C. Mitter*) : The position is

this. Take a jute company for example. One person in Bombay, suppose, has got ten shares in the company carrying on business in Bengal. We claim that. We do not claim from a company carrying on business, say, in the Central Provinces in manganese whose head office is in Calcutta.

137. Take the case of a jute mill. Jute mill shares are held very largely by people outside Bengal. You have not ascertained what percentage of shares are held by persons outside Bengal, have you ?—(*Mr. Marr*) : That brings us back to the question which has been considered very fully by the Indian Taxation Enquiry Committee as regards whether income-tax is to be dealt with from the point of view of origin or of domicile. Mr. Layton of course can say more definitely than I can, but, as far as I know, that question has not been settled in any country as to which is the predominating factor.

138. As regards jute you remember that according to commercial newspapers when the price of your jute went up, a stimulus was given to the production of jute in Brazil and very nearly a beginning has been made ?—I am talking only from my general information, but, as far as I know, the experiment in Brazil has been a complete failure. They tried it also in East Africa and it was a failure there also. I am talking only from general information. I have no specific knowledge about it.

139. I refer to the question put by Mr. Faroqui as to the amount of retrenchment that your Retrenchment Committee recommended. How much was it ? —I do not remember.

140. Was it about half a crore of rupees ?—It was more than that. I do not remember the exact figure. (*Sir P. C. Mitter*) : I think I can give a general idea. About 78 lakhs was recommended by the committee. But we had already retrenched a lot before we received their recommendations. Therefore when the recommendations came there was not much left to be retrenched. Another point is that the committee recommended things in which the local Government had no power to interfere. So it is not quite correct to add up the recommendations and say that this amount must be retrenched. We had already retrenched to the extent of 125 lakhs before we received the report of the committee.

141. Your retrenchment committee was the outcome of the Inchcape Committee ?—No. Our committee was long before that committee.

142. Your committee recommended that the expenditure should be cut down by 7 crores ?—(*Mr. Marr*) : We can give you a copy of the report.—(*Sir P. C. Mitter*) : The committee was appointed in the beginning of 1922 and even before that, that is in September, 1921, we had retrenched to the extent of 89 lakhs and 22 lakhs while the Retrenchment Committee was sitting. That is even before their recommendations came in we had anticipated them a good deal and retrenched to the extent of over a crore of rupees.

143. For instance they recommended the abolition of the commissionerships ; but you have not done it, have you ?—As I told you we have no power to do this.

144. But did you move the Secretary of State ?—(*Mr. Marr*): No ; we decided we could not do without them.

145. As regards the other recommendations ?—Every suggestion was gone through very carefully.

146. With regard to litigation, what is your revenue from litigation ? Is it about one-fifth of the total revenue ?—Maybe.

147. What is your expenditure and what is the surplus ? How do you utilise the surplus ?—We cannot give you the figures of expenditure because our expenditure under litigation falls under several heads. The deputy magistrate and all the magisterial staff appears under " general administration." The munsiffs, sub-judges and other judges appear under " judicial."

148. You have not got a separate head for law and justice ?—We have " administration of justice," but that only includes part of the expenditure involved in litigation.

149. But do you consider the fact that there must be a large surplus ? You say that you were running the government partially with the help of the surplus received from litigation ?—I agree.

150. You do not know how much it is ?—No.—(*Sir P. C. Mitter*) : It requires investigation not only under law and justice, but under Public Works department and various other heads. There is no doubt that we get a surplus, but it is difficult to ascertain the exact figure.

151. You regard that as a vicious principle, to keep up your Government from the surplus income from litigation ?—(*Sir P. C. Mitter*) : That shows the extremities to which we are brought. That vicious principle obtains throughout India. If you examine the budgets of the various provincial Governments you will find it.

152. You think it ought to be avoided ?—Certainly it ought to be avoided if possible.

153. *Sir Zulfiqar Ali Khan* : It is quite clear that you have not enough money to run your provincial administration. I think your salvation lies in taxing jute further and also levying some taxes on income from land. Then, with regard to the vexed question of the permanent settlement, you have said that the abrogation of the permanent settlement is not possible ?—(*Mr. Marr*) : To abolish ?

154. Yes.—(*Sir P. C. Mitter*) : Abolition is not practical politics ; but supposing you abolish it, even then the benefit is comparatively small.

155. You say, 10 lakhs ?—No, about one crore.

156. If that is done, you can raise one crore that way ?—(*Mr. Marr*) : That is a very rough figure.

157. That is a big addition to the provincial revenue ?—(*Sir P. C. Mitter*) : But the " if " is a big " if."

158. As a Government you cannot get rid of it ?—(*Mr. Marr*) : We cannot.

159. What is the public opinion on this subject ?—In reply to a previous question I said that the abolition of the permanent settlement would give rise to a very, very great deal of controversy.—(*Sir P. C. Mitter*) : It will affect about, roughly speaking, 48 lakhs of tenure holders and one lakh of proprietory holdings. It will affect millions. The uninformed opinion is that a few rich landlords get it, but if you go into figures you will find that it is divided into small fractions amongst a very large number of people.

160. So, that is impossible ? Now, with regard to jute growing, you have just said, Mr. Marr, that the experiment was tried in Brazil and South Africa ? —(*Mr. Marr*) : East Africa. I am only talking from general knowledge. I have no definite information at all.

161. Then there is no competition with Indian jute ?—No, not at present.—(*Sir P. C. Mitter*) : There is no competition to-day ; but there may be competition to-morrow.

162. Then, under these circumstances can you not raise the export duty a little more ?—(*Mr. Marr*) : We cannot ; we have no power.

163. Can you not suggest it to the Government of India ?—We have suggested now.

164. *Sardar Shivdev Singh Uberoi* : It has been said that there are many agents between the actual tillers of the soil and the landlords. They do this for the sake of business ?—(*Sir P. C. Mitter*) : No, it has grown out of the social and economic systems and the tenancy law. Supposing a cultivating ryot has 30 *bighas* of land. In course of time that land will not be enough for his family after his death. Then a member of the family goes and takes service as a servant or as a labourer in some town. Somebody has to look after the land then. He makes some arrangements. That is the kind of men whose number is very large.

165. Is it not for the sake of doing business and making money out of it ?—No. The number is very small who do it for the sake of business ; the number

of people who have to leave their villages to earn elsewhere or who go out for reasons of a similar nature is very large.

166. Cannot the income derived by the intermediate agents be assessed to any tax as a trade or profession ?—In the case of some, say about 1 per cent., perhaps it may be. But take a man who gets an income of, say, Rs.4 after collecting Rs.30 and who is not in the village, but comes there only once in three years or so.—(*Mr. A. Marr*) : The sums are very small.

167. *The Chairman* : Just one question before you go. On page 90* in the Bengal Government's memorandum the first table gives certain percentages, and in column 2 are given the Central revenues derived from different provinces. As a matter of fact, can you tell me, is the salt tax included in it ?—No, the salt tax is not included.

168. Is the opium tax included ?—No.

169. Then there ought to be some adjustments made ?—About the salt tax, it will be rather difficult, because salt is sent up in bulk in bond outside the province.

170. I am not saying that it makes a difference to the Bengal figure, but it makes a difference, does it not, to the other provinces ? Column 2 extends to some of the other provinces ?—And also to Bengal. Not so much as far as salt is concerned, because salt is brought in bond and before it goes it has already paid its duty.

171. Let me just put my difficulty. I suppose the figure of Rs.24 crores odd given as Central revenues derived from the province of Bengal includes the duty on imported salt ?—No, it does not.

172. Are you sure ?—Yes.

173. *Sir Hari Singh Gour* : Liverpool salt ?—A great deal of it goes out in bond.

174. *The Chairman* : I venture to think that the Bengal customs duty on salt is included ?—We can ascertain this.

175. In any case, it is nothing more than a small correction. But if you take the other provinces, some of whom produce salt, is not there an excise ?—Yes.

176. That would increase the figures for the other provinces. This probably will be more than it would affect your Bengal figure ?—To a certain extent.

177. And the result of that would be that the percentages in the last column would be varied in the sense that Bengal's would be lower and those of some of the other provinces would be bigger ?——I think, yes, to a certain extent.

178. I am not suggesting it is of very big importance ; but possibly we might have a revised table which brings in opium also ?—Yes, if it is possible. The difficulty is about salt. Opium returns we can get. Salt is produced in other provinces. But that does not matter. We will have a trial at getting detailed figures.*

* * * * * * * * *

* Vol. VIII.

* *Vide* Appendix below.

APPENDIX.

(*Cf.* Qs. 174 to 178.)

Letter from the Honble. Mr. A. MARR, C.I.E., I.C.S., D.O. No. 1904—*F.B. dated the* 23*rd March*, 1929.

Will you kindly refer to your demi-official No. E.M. 271 of the 26th February regarding questions 174 to 178 of my evidence ?

I enclose two revised tables in which revenues from salt and excise opium have been included. The figures have been taken from the Finance and Revenue Accounts of the Government of India for 1921–22 and 1925–26.

The figures under Northern India Salt Revenue have not been included, as they are not shown under Provinces in the accounts. Information regarding the distribution of salt revenue was asked for from the Finance Department (Central Revenues), and I enclose a copy of their letter D.—Dis. No. 44—Salt II/29 of the 15th February, 1929.

I regret the delay in replying.

RECEIPTS BY THE GOVERNMENT OF INDIA DERIVED FROM PROVINCES.

(Figures are in thousands of rupees.)

1921–22. †

Provinces.	Income tax.	Super-tax.	Customs.	Salt.	Excise Opium.	Provincial contributions.	Total receipts by the Government of India.	
1	2	3	4	5	6	7	8	
Bengal	3,87,47 2,01*	2,68,74	14,26,72	1,55,77	8,27	63,00	23,11,98	
United Provinces	84,63 26*	37,16	5,87	—	7,06	2,40,00	3,74,98	
Madras	1,26,37 7,27*	44,09	2,12,45	1,39,02	8,68	3,48,00	8,85,88	
Bihar and Orissa	30,70 14*	10,03	1	—	7,64	—	48,52	
Punjab	46,65 50*	9,97	5	—	9,32	1,75,00	2,41,49	
Bombay	4,80,65 11,03*	3,44,62	14,36,41	1,21,35	12,03	56,00	24,62,09	
Central Provinces ..	38,12	18,41	8,90	—	6,42	22,00	93,85	
Assam	8,47	—	1,98	—	8,42	15,00	33,87	
							64,52,66	—

* Excess profits duty.

† Figures of Northern India Salt Revenue not included, as they are not shown in the accounts under any province.

RECEIPTS BY THE GOVERNMENT OF INDIA DERIVED FROM PROVINCES.

(Figures are in thousands of rupees.)

	1925-26. *							
Provinces.	Income-tax.	Super-tax.	Customs.	Salt.	Excise Opium.	Provincial contributions.	Total receipts by the Government of India.	Total receipts by Government of India less provincial contributions.
	9	10	11	12	13	14	15	16
Bengal	3,41,72	2,51,87	18,43,41	1,71,64	15,63	—	26,24,27	26,24,27
United Provinces	63,23	17,31	5,17	—	78,87	1,83,83	3,48,41	1,64,58
Madras	1,19,07	22,31	3,68,69	1,47,59	6,48	2,21,98	8,86,12	6,64,14
Bihar and Orissa	32,81	4,24	1	—	7,47	—	44,53	44,53
Punjab	59,06	6,17	4,13	—	2,23	1,13,84	1,85,43	71,59
Bombay	2,64,30	86,19	18,78,73	1,52,20	6,62	34,00	24,22,04	23,88,04
Central Provinces	30,57	7,57	5,78	—	3,17	13,00	60,09	47,09
Assam	16,57	2,47	10,09	1	5,02	9,00	43,16	34,16
							66,14,05	60,38,40

* Figures of Northern India Salt Revenue not included as they are not shown in the accounts under any province.

(Figures are in thousands of rupees.)

Province.	Central revenues derived from Province.	Provincial revenues.	Total of cols. (2) and (3).	Percentage of col. (2) on col. (4).
1	2	3	4	5
Bengal ..	26,24,27	10,70,58	36,94,85	71
United Provinces	3,48,41	12,71,07	16,19,48	21
Madras ..	8,86,12	16,89,33	25,75,45	34
Bihar and Orissa ..	44,53	5,76,73	6,21,26	7
Punjab ..	1,85,43	11,34,75	13,20,18	14
Bombay	24,22,04	15,58,39	39,80,43	60
Central Provinces	60,09	5,47,03	6,07,12	9
Assam ..	43,16	2,53,82	2,96,98	14
Total ..	66,14,05	81,01,70	1,47,15,75	44

GOVERNMENT OF INDIA.
FINANCE DEPARTMENT (CENTRAL REVENUES).

D. Dis. No. 44—Salt—II/29.

New Delhi, the 15th February, 1929.

From

V. S. SUNDARAM, ESQ.,
Deputy Secretary to the Government of India.

To

The Secretary to the Government of Bengal,
Finance Department.

Sir,—

Statistics—Actual revenue from excise duty on salt—1921-22 and 1925-26—Distribution by provinces. Your letter No. 576—F.B. dated the 7th February, 1929, to the Secretary, Central Board of Revenue.

In reply to your letter quoted above, I am directed to say that, as the Government of Bengal are no doubt aware, the excise duty on salt, like the customs duty on the same (which also is credited to the head "Salt" in the accounts), is levied at the source and not at the actual place of consumption. The actual revenue from excise duty on salt in any province cannot, therefore, be obtained from the accounts of Government. An attempt, however, has been made to estimate the probable consumption in each province in normal circumstances, the basis of the estimate being an analysis of the movements of salt in the last twenty years as between province and province. The best estimate that the Government of India can give of the probable normal consumption of each of the provinces mentioned in your letter under the reply is as below. These figures, however, are, it is considered, over-estimated to some extent:

	Lakhs of maunds.
Bengal and Assam (including the Indian States)	103·10
United Provinces (including the Indian States)	63·80
Madras (excluding Hyderabad, Mysore, Travancore, Cochine)	111·00
Bihar and Orissa (including States) ..	58·20
Punjab ,, ,, ..	32·70
Bombay ,, ,, ..	39·80
Sind ,, ,, ..	4·80
Central Provinces ,, ,, ..	26·00

2. The Government of India regret that they are unable to give the figures for Bengal and Assam separately, but suggest that, in the absence of any more reliable data, the consumption may be allocated between the two provinces on the basis of population. It is also regretted that no reliable distribution of the above figures can be made as between imported and excised salt. As is well known, the bulk of the salt consumed in Bengal and Assam is imported, and the bulk of that consumed in the United Provinces, Madras, Punjab, Bombay, Sind and the Central Provinces is excised; but the division of the Bihar and Orissa markets between the two kinds of salt cannot be closely estimated and is subject to considerable fluctuations from year to year.

I have the honour to be,
Sir,
Your most obedient servant,
(Sd.) V. S. SUNDARAM,
Deputy Secretary to the Government of India.

Memorandum submitted to the Indian Statutory Commission by the Honble. the Chief Justice and Judges of the High Court of Judicature at Fort William in Bengal.

1. The Chief Justice and Judges of the High Court of Judicature at Fort William in Bengal desire to represent to the Indian Statutory Commission the desirability of all High Courts in India being put under the Government of India for administrative purposes and in particular of this Court continuing to be under the Government of India for administration and being made independent of the local Government as regards finance.

2. It is not possible for the Judges to foresee the trend of future legislation relating to India that may be undertaken by the Imperial Parliament; but whether a policy of centralisation or devolution is followed, the Judges are of opinion that the High Courts should be freed from local executive control, and rendered immune from the risk of becoming a subject of Provincial politics. They believe that His Majesty's subjects in every Indian community regard the High Courts as a bulwark of their rights, and a defence against oppression; and that any policy which might have the effect of undermining the trust which is reposed in the Courts or shake the confidence of the people in the independence or impartiality of the Judges would be inimical to the maintenance of law and order, and would jeopardise the due administration of public affairs in India.

The Judges consider that the Executive and the Judiciary in the exercise of their respective functions ought to be wholly independent of each other; and that in India it is a matter of real moment that the local Executive should not appear to be in a position in which it can in any way influence or hamper the activities of the High Courts.

3. It will not be inapposite to refer to the history of the Calcutta High Court in this connection. Before the establishment of this Court in 1862, its predecessors, i.e. the Supreme Court and the Sudder Court were under the Governor-General of India in Council and the Government of Bengal respectively. On the establishment of this Court as the High Court of Judicature at Fort William in Bengal, it was decided by the Secretary of State (Sir Charles Wood) " that it was not intended that the High " Court should be subordinate to, or under the " orders of, the Government of Bengal, in the sense, " or in the manner, in which the late Suddar Court, " whose place had been taken by the High Court, " was subordinate to, and under the orders of, that " Government." (*See* despatch Judicial No. 62, dated 24th July, 1863.) Since then, this Court has always been under the Government of India for administrative purposes, with the right of addressing the Government of India direct at any time and on any subject. It is a right which has been jealously maintained.

4. As regards finance, prior to 1877, the Government of India was responsible for the " maintenance " of this Court. In Lord Mayo's time (1870–71) the system of Provincial contracts was introduced and Lord Mayo's Government made a " settlement " with the major provinces, under which they were made financially responsible for the administration of certain spending departments, such as Police, Education, Jails, Medical Services (in part), Registration, Roads and Civil Buildings by the assignment to each province of a fixed sum from which the expenditure on those departments was to be made. Lord Mayo's settlement was for a period of six years; and in the new settlement made in Lord Lytton's time in 1877, certain principal heads of revenue, such as Excise, Stamps, Law and Justice (Courts) were made over to Provincial Governments, the growing receipts from those sources taking the place *pro tanto* of the former fixed lump sum grant. Certain additional heads of expenditure were also made over to Provincial management, such as " Land Revenue," " General Administration, " Law and Justice " and " Miscellaneous." The deficiency in Provincial revenues in relation to Provincial expenditure was made good by a fixed annual grant to each province. These Provincial contracts were revised from time to time, until the whole position was reviewed by the Royal Commission on Decentralisation appointed in November, 1907. The financial settlements with the provinces were made permanent in 1911, and this state of things continued till 1920.

5. The arrangement which existed between the Government of India and the Government of Bengal between 1877 and 1920 with regard to the " maintenance " of 'the Calcutta High Court was as follows: Under the rules laid down in the Civil Account Code, all expenditure was finally adjusted in the accounts of the province in which it was disbursed and an item of expenditure was regarded in the accounts as a charge to Imperial or Provincial Government solely in reference to the particular head in the accounts under which it fell to be classified. The expenses of the establishment of the Calcutta High Court were accordingly finally adjusted in the Bengal accounts; and as, under the arrangement between the Governments of India and Bengal, charges under the head " Law and Justice " were treated as wholly provincial, they were regarded in the accounts as Provincial expenditure of the Government of Bengal. The Government of India made an annual fixed assignment to the Government of Bengal equal to the difference between the standard figures of revenue and expenditure adopted for the Provincial settlement; and, in arriving at this assignment, the expenditure on account of the Calcutta High Court was taken into account in the same way as any other item of Provincial expenditure.

6. In less technical language, the position was this: While the Government of India at each recurring Provincial financial settlement made full allowances to the Government of Bengal for the expenditure which they had to incur in maintaining the establishment of the Calcutta High Court, the local Government was bound to defray out of the Provincial revenues any further expenditure upon the establishment of the Calcutta High Court which might be sanctioned between one Provincial settlement and another. The result was that the practice grew up that when the Chief Justice of Bengal recommended to the Government of India that a new ministerial appointment should be created in the High Court or there should be any increase in the estimates for the " maintenance " of the High Court, the Government of India referred his request to the local Government for opinion because the local Government had to meet the additional expense involved by the proposal.

7. As indicated above, this state of things continued till the introduction of the Montagu-Chelmsford Reforms in 1920. Under the Government of India Act, 1919, and the Devolution Rules thereunder, all items of Provincial expenditure must be placed before the Bengal Legislative Council for sanction in the shape of demands for grants; but under sub-section (4) of section 72-D of the Government of India Act it rests with His Excellency the Governor of Bengal to decide whether expenditure of any particular description should be treated as non-voted or otherwise. The salaries of the Judges of this Court were always treated as non-voted; but it was not until December, 1924, that His Excellency the Governor of Bengal ruled that salaries of the staff of this Court were expenditure within the meaning of section 72-D (*3*) (*iii*) of the Government of India Act and were to be treated as non-voted. The position, therefore, now is that excluding the above items of expenditure relating to salaries, the following items, *e.g.*: " Allowances, " honoraria," etc., " supplies and services," and " contingencies " are votable. On any one of these

demands for grants, it is possible for any member of the Bengal Legislative Council to launch an attack on the High Court under the guise of discussing the demand in question. This has actually happened in the past and it cannot be expected that in the future it will not occur again.

8. The present arrangement by which the High Court is under the administrative authority of the Government of India while the local Government provides the finance is plainly unsatisfactory, and the situation has been commented on adversely by the Associated Chambers of Commerce of India and Ceylon in their recent memorandum for submission to the Statutory Commission. The Associated Chambers recommend that a scheme should be devised for making the Central Government responsible for supplying the finance required and they are further of opinion that all the High Courts in India should be under the Government of India both for administration and finance. The Judges desire to endorse the view taken by the Associated Chambers of Commerce.

9. The question of the devolution of the powers of the Government of India with reference to this Court, upon the Government of Bengal, was raised in 1921 by the Government of India and was the subject of elaborate investigation by the Court. The Chief Justice and the Judges in their letter to the Government of India, dated the 12th September, 1921, expressed a strong opinion that all the High Courts in India should be under the Government of India alone and that no local Government should have any direct relations with any High Court. The Court reviewed the history of this Court for a period of nearly sixty years and pointed out how on several occasions the head of the local Government had attempted directly to interfere with the independence of this Court and of the courts over which this Court had superintendence under the provisions of the Indian High Courts Act, now replaced by the provisions of section 107 of the Government of India Act. That history will be found set out in detail in the letter of this Court referred to above, and it is, therefore, unnecessary to reproduce it here.

10. It was observed by the Court in the said letter that there might be cases where disagreement between the local Government and the High Court might not improbably arise, by reason of the Court's decisions reflecting upon the conduct of the officials of the local Government, and that this in itself was a cogent reason for the High Court being independent of the local Government. The Court in its letter observed as follows :—

" Faith in the impartial administration of justice " by the High Court and by the judicial tribunals " under the superintendence of the High Court " more than anything else has helped England to " draw India closer to her. It has helped, within " recent memory, to allay very acute political situa- " tions in times of great unrest ; and, in their Lord- " ships' opinion, nothing should be done to under- " mine in any way the prestige of the High Court " in the eyes of the general public or to create a " suspicion that the local Government could directly " or indirectly influence the judicial functions of the " Judges. The Hon'ble the Chief Justice and the " Judges consider that too great importance cannot " be attached to this view of the matter."

11. The following extract from the letter referred to above may also be permitted in this connexion :—

" The question of the special relation of this " Court with the Government of India has in the " past been always recognised. It was recognised, " for instance, by Lord Crewe, as Secretary of State " for India, in his speech in the House of Lords " justifying the administrative changes of 1921. In " this connexion, the attention of the Government " of India is invited to the answer given by Mr. " Montagu, the then Under-Secretary of State for " India, in the House of Commons to Sir John Rees " on the question of the special position of this " Court. (Question No. 105, dated the 12th June, " 1912.) The question and answer are transcribed " below :—

" *Q.*—' Why, when the Province of Bengal is being " ' placed in all other respects on an equal footing " ' with the Presidencies of Madras and Bombay, is " ' the High Court of Calcutta to continue to be " ' in official relations with the Governor-General in " ' Council and not with the Governor of Bengal in " ' Council ? '

" *A.*—' The reason is that the jurisdiction of the " ' Calcutta High Court extends beyond the terri- " ' tories comprised in the Presidency of Fort William " ' in Bengal.' "

12. The Court further pointed out in the said letter as follows :—

" The jurisdiction of the Court extends over the " Presidency of Bengal and the Province of Assam, " each of which has a Governor and a local Govern- " ment ; and, in this respect, it is believed that " the position of this High Court is unique.

" The Government of India, it is true, do not " propose to modify directly section 43 of the Letters " Patent, but it is apparent from the other changes " which they suggest that the word ' Government ' " in this section would, in the event of the adoption " of the suggestions of the Government of India, " have reference only to the Government of Bengal. " It would, therefore, be open to any future Governor " or Member of Council in charge of the Judicial " Department or any Member of the Bengal Legis- " lative Council, in sympathy with dissatisfied legal " practitioners, to call for or to move for records, " returns and statements from the High Court as " to the manner in which the Judges discharged their " judicial functions. If unhappily this state of things " came into existence, no self-respecting man would " care to occupy for a single instant the position of a " Judge of the High Court."

13. It may be urged that the administration of justice is now a Provincial subject ; that demands for grants must be laid for sanction before the Bengal Legislative Council which has power to assent or to refuse assent to demands or to reduce the amounts of demands ; that the Government of India are not represented in the Provincial Legislative Council, that demands for grants must be defended by the Government of Bengal, and that these are in themselves sufficient reasons for the transference of the powers of the Government of India with reference to the High Court to the Government of Bengal. In their letter referred to above, the Chief Justice and the Judges pointed out that the change affecting the position of this Court as regards finance was brought about in a manner calculated to give rise to legitimate criticism and that the High Court was never consulted in the matter. How the maintenance of the High Court came to be classed as a Provincial subject is set out at very considerable length in paragraphs 9 and 10 of the said letter, and reference may be made thereto. This Court further observed as follows :—

" Their Lordships think the expenditure for the " High Court establishment should be severed from " the Provincial Budget altogether and transferred " to that of the Government of India itself. In " other words, they are of opinion that this Court " should be formally declared to be a Central Subject. " Formerly the High Court was, it is true, financially " dependent upon the Government of Bengal. But " the ultimate responsibility of the administration of " the High Court rested with the Government of " India and, in case of necessity, the latter could " direct the Government of Bengal to provide the " necessary funds. Under the conditions which " now obtain, although the Court is still under the " administration of the Government of India, pro- " posals for expenditure in respect of the High " Court have to be submitted to the Bengal Legis- " lative Council for sanction. The Council may " refuse to vote supplies or may cut down the

" estimates even though the Judges may consider that " the demands for grants are essential in order to " secure the efficiency of the High Court or to " promote the administration of justice in the Presi- " dency of Bengal and in the Province of Assam. " It is possible that the members of the Bengal " Legislative Council might be influenced by local " prejudices or the political situation of the moment ; " further, it is conceivable that the Assam Legis- " lative Council might claim to have a proportionate, " but none the less potent voice in the administration " of the High Court, because a portion of its cost is " contributed by Assam. Local interests loom very " large in Calcutta ; but in Simla or at Delhi such " matters would be regarded from a detached point " of view. The Hon'ble the Chief Justice and the " Judges are strongly of opinion that nothing should " be done which would have the effect of dragging " this Court into the domain of local politics. They " believe that this Court will inevitably be dragged " into the domain of politics, unless it is made in " every way independent of the local Government " and that the apprehended evil will come about if " discussions are permitted in the Bengal Legislative " Council on the High Court's budget. Their Lord- " ships respectfully repeat, therefore, that arrange- " ments should be made for the ' Maintenance ' of " this Court out of Central Revenues."

14. The late Mr. Justice Mookerjee observed in his Minute, dated the 29th August, 1921 (appended to the Court's letter, dated the 12th September, 1921) as follows :—

" In my opinion, the continuance of the present " state of things is impossible, as it is harmful in " the highest degree and is calculated to impair " very seriously the prestige and efficiency of the " Court. The present position is that in all financial " matters we are subject to the control of the Govern- " ment of Bengal, that is, of the Bengal Legislative " Council. The dangers inseparable from such a " position have been well illustrated by recent " events. We have actually witnessed the successful " attempt made by a section of the legal profession " to influence the judgment of the members of the " Legislative Council, who have refused to vote the " grant necessary for the efficient administration of " the Court, and it is a matter of common knowledge " that the attempt may be repeated with a view to " coerce the Court to alter ' its rules ' to the satis- " faction of that section of the profession. The " Court does gain either in dignity or in efficiency " when it is subjected to such treatment. It is " inevitable that local and personal prejudices " should influence the decisions of a legislative " body on the spot. After most anxious considera- " tion of the whole question, I have come to the " conclusion that the present state of things should " not be allowed to continue and that if the prestige " and efficiency of the Court are to be maintained " there is only one course which can be adopted, " namely, that the High Court should be made a " Central Subject and that its budget should be " separated from the budget of the Government of " Bengal."

15. On receipt of the representation from this Court, the Government of India decided not to proceed further with the proposals for devolution of their powers on the Government of Bengal. (*See* letter from the Government of India, dated the 3rd February, 1922.)

16. It is a principle of the utmost importance to each and every section of the community that the Judges should have no politics, and, so far as is humanly possible, should stand free and clear of all suspicion of political partisanship. This object can with much greater security be attained if the High Courts are declared " Central " subjects and made independent of local Governments as regards finance.

17. The arguments that were adduced in favour of the Administration of Justice by the High Courts in India being a " Central " subject are at least as cogent in the circumstances prevailing in 1928 as they were in 1921, and the Chief Justice and the Judges present this memorandum in order that the Statutory Commission may be made aware of their considered opinion upon this important subject.

High Court, Calcutta.
7th September, 1928.

RANGOON.

Dated, 31st January, 1929.

Morning.

PRESENT :

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND, SARDAR SHIVDEV SINGH UBEROI AND DR. SUHRAWARDY) AND OF THE BURMA PROVINCIAL COMMITTEE.

Mr. J. J. ANDERSON, I.C.S., Officiating Commissioner of Tenasserim.

1. *The Chairman* : Mr. J. J. Anderson, I think you are officiating Commissioner of Tenasserim ?—Yes.

2. That is the southern division ?—Yes.

3. The one that runs down towards the Federated Malay States ?—In that direction, yes.

* * * * * * * * *

62. *The Chairman* : If one turns to page 348 of the book,* one gets the number of voters on the register. I need not bother about the earlier years, but if you take 1925 (the 1928 figures do not happen to be in the book) you will see that the figures are something like 3,800. Has the number of Anglo-Indians increased, do you know, at this last election ? You had an election in November of last year ?

Mr. Campagnac : Yes, there was no contest. I was returned unopposed.

63. *The Chairman* : There would be a register made, would there not ?

Mr. Campagnac : Yes. It did increase, I think; there were about 6,000 names on the electoral roll.

64. *The Chairman* : You see, gentlemen, it is a little important for us to watch this point. Here is the Anglo-Indian community in Burma getting its representation by election. The same thing is true in Madras and in Bengal, and there may be another case ; but elsewhere, broadly speaking, it has been done by nomination.

Sir Hari Singh Gour : Yes, sir.

65. *The Chairman* : It becomes a question rather important to the Anglo-Indian community, and important for all of us, to see whether or not that system of election works well, and whether it can be extended. Could you give us an impression about this ? Do you think that here in this province the Anglo-Indian community attaches importance to the method of election as against the method of nomination ?

Mr. Campagnac : I think they would prefer to elect their members.

66. *The Chairman* : If there is no contest, I am sure it is the same from your point of view !

Mr. Campagnac : There have been two contests before.

67. *Mr. Hartshorn* : How do you account for so small a percentage recording their votes, I see 29 per cent. in 1922 and 27 per cent. in 1925 ?

Mr. Campagnac : A large number of voters are employed in the railways, and it is very difficult for these people to register their votes. For instance, their name may be on the electoral roll of Mandalay, but on that particular day the particular voter may have driven a train to Rangoon, and he cannot register his vote.

68. *Colonel Lane-Fox* : And there are great distances for many of them to come if they are scattered all over the province ?

Mr. Campagnac : That is so.

69. *The Chairman* : As Mr. Hartshorn reminds me when we had the main Anglo-Indian deputation led by Colonel Gidney at Delhi we were given the same explanation, that the lower percentage of electors voting in the elections was not due to lack of interest ; but was due to the fact that so many of them were moving about the country in connection with trains, and so on.

Mr. Campagnac : At the recent elections in Rangoon about 1,800 Anglo-Indians voted.

* * * * * * * * *

84. *Sir Arthur Froom* : Are there any Indians returned from the general constituencies elected ?

Mr. Campagnac : There have been one European and one Anglo-Indian elected by one general urban constituency.

Mr. Rafi : They usually return Hindus and Muhammadans, but there are a very large number of what are known as Burma Muslims, who, though Muhammadans, are classed under the Burman constituencies. You asked me whether the Mussalmans were about the same as the Hindus, and I said they were, but if I took away the Burma Muslims, the Hindus would be in a majority.

85. *The Chairman* : Just explain to me what is meant by a Burma Muslim.

Mr. Rafi : A Burman Muslim is a person who is born of a Muhammadan father and a Burmese mother.

86. *The Chairman* : Sra Shwe Ba, you would be able to tell us, would you not, about the Karens. Is it correct that the Karen members, the only ones in the council, are returned by the Karen-speaking constituencies ?

Sra Shwe Ba : Yes, they stand no chance in the general constituencies.

87. *The Chairman* : And, of course, one of these constituencies will be yours, will it not ?

Sra Shwe Ba : Yes.

88. *The Chairman* : As a matter of interest, which is yours ?

Sra Shwe Ba : Karen Bassein.

89. *The Chairman* : That is the Bassein district, including the Bassein municipality. Well, you have a very good constituency, for it is 4,000 square miles, I notice ?

Sra Shwe Ba : Yes.

90. *The Chairman* : Are there many Karens who are voters in general constituencies, living outside these areas ?

Sra Shwe Ba : According to the census there are more Karens scattered in the different districts than included in the special areas.

91. *The Chairman* : I understand you to say that according to the census if you added them together you would find more Karens outside than inside. You probably mean by population ?

Sra Shwe Ba : Yes.

92. *The Chairman* : How many voters is a different matter, because in the general constituencies they make a list of people and do not take into account whether they are Karens or not. Is it a fact that except for the five special Karen constituencies there has been no Karen elected to the council ?

Sra Shwe Ba : One Karen was elected to the first council, when the boycott was going on in Burma. After that the Karens had no chance.

93. *The Chairman* : But one got in on the first occasion ?

Sra Shwe Ba : Yes.

94. *The Chairman* : Have any stood for election ?

Sra Shwe Ba : Yes, one stood for Insein Rural, but did not get in.

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118. Is the qualification by which a woman may

* Vol. XI.

have a vote the same as would give a vote to a man ? She does not get a vote because she is the wife of somebody ; does she get it because she herself pays taxes or has property and so on ?—On the same basis as a man, yes.

119. *The Chairman* : I dare say the members of the Provincial Committee will help us here. Is it your experience here, gentlemen, that the women voters do take some interest in political affairs ?

U Aung Thin : They do, yes.

120. *The Chairman* : At present I think you have not got a law which would allow women to be elected as members of the legislative council ?

U Aung Thin : No, but we are putting up a resolution about it.

121. *The Chairman* : It is going to arise, is it ?

U Aung Thin : Yes.

122. *The Chairman* : Do you know of any movement at all among the women here for it ? Do any of them want to enter the council ?

U Aung Thin : Yes.

Mr. Campagnac : A resolution was put up in the last council. It was opposed by the Government, and a number of women marched to the legislative council chamber, but they were not allowed to enter.

The Chairman : That sounds very familiar ! If you had come to Westminster some years ago you might have seen something very similar ! There are provinces (Madras, for instance) where women can be elected to the legislative council, and indeed a lady is vice-president of the Madras council.

Major Attlee : It is so in the Punjab.

123. *Lord Strathcona* : Is that explained at all by the statement at the top of page 255*, which says : " Of the total number of female registered voters in " the province, 85·9 per cent. are in Upper Burma, " and 14·1 per cent. in Lower Burma ? "

124. *The Chairman* : I wonder. How is that, gentlemen ? You see the passage to which Lord Strathcona refers, and which continues : " The reason " for this contrast is that in Lower Burma women do " not pay capitation tax, whereas in Upper Burma " they pay thathameda tax on behalf of assessed " households of which they are the heads." Had the wish of the ladies to get into the legislative council anything to do with that sort of question, or is it just a general interest in political affairs ?

Mr. Campagnac : I think it is a general interest in political affairs. There are numbers of Burmese women's societies which have women presidents and secretaries and which take a considerable interest in the elections at election times.

The Witness : May I say that when the question was raised in the council one of the reasons given by the Hon'ble the Home Member for opposing the resolution was that no society of women voters or no women's society had made any representation in favour of the resolution. That was one of the reasons which influenced the matter.

125. *The Chairman* : Then the march of the women was a very effective answer.

Mr. Campagnac : That march, I think, was engineered by the National Council of Women in Burma, to which women of all communities belong.

The Witness : If you would turn to page 310* of part III, the resolution is dealt with there, at sideline xxi, " Resolution regarding sex disqualification."

126. *The Chairman* : I suspected the reason would appear, and I am glad to find it. It was on the tip of my tongue to tell you that I had expected you to say that the motion was opposed on the ground that we must wait for the Statutory Commission, because that is the universal explanation offered everywhere about everything, and there it is, sure enough : " At " the conclusion of the debate the Home Member " opposed the resolution on the grounds that Burmese " women are unacquainted with Western institutions ; " that such an important constitutional change ought " to be deferred for consideration by the Statutory " Commission." Well, the time has come ! Then there is a question which one of us would like to ask ; I do not mind who does it ; about the representation of labour. Just turn back to page 251*. Can you give me the number of wage-earners or the number of people classed as workers—I do not know whether it includes foremen or clerks—employed in factories in Burma ?—That is from a report in 1921 ; a special industrial census was taken of establishments in which ten or more persons were employed. " The following " statement gives the number of labourers, skilled " and unskilled, in the whole province."

127. On that basis ?—On that basis.

128. What is the figure ?—The total is 107,843. It goes on to say : " It will be seen that Indians " supplied 55 per cent. and home races 36 per cent. " of the skilled labour, while in the case of unskilled " labour Indians supplied 73 per cent. and the home " races only 23 per cent. Taking skilled and un- " skilled labour together, Indians supplied 69 per " cent. and the home races 26 per cent."

129. It is stated elsewhere in these documents that the greater part of the organised manual work, industrial work, which is done by labour here is done by immigrant labour ?—That is right.

130. When these immigrants come from Madras, or wherever they come from, generally speaking how long is their stay ?—This is another quotation : " The majority of Indian labourers come to Burma " because of economic pressure, a bad harvest in " Madras, being generally followed by a heavy influx " of immigrants. The labourers who come in " November or December would ordinarily go back " in the ensuing April or May. Their object in " coming to Burma is to save as much as possible, " and as a rule they stay for two or three years, or for " even longer periods, before going back."

131. *Raja Nawab Ali Khan* : What is the general rule ?—It is difficult to say. They say as a rule they stay for two or three years.

132. *Mr. Hartshorn* : What are you reading from ? —This is a report on labour conditions by the Labour Statistical Bureau.

133. *The Chairman* : Is it a book of which one or two copies are available ?—Oh, yes, it is printed for publication.

134. Is it printed by the Burma Government ?—Yes.

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136. As regards the immigrant labour that comes and stays here, it may be for two or three years, so that it is resident, and would have that qualification, generally speaking does that sort of immigrant labour qualify on the existing franchise for a vote in the general constituencies ?—The majority of them would be in the big towns, in Rangoon, Bassein, Moulmein ; in the big ports, where there are communal constituencies.

137. A man who pays Rs. 5 a month rent gets a vote in a town, does he not ?—Yes.

138. To what extent does this immigrant labour, do you think, qualify so that it really is an elector in a general constituency ? It may be difficult to form an estimate.—That is outside the main areas where they congregate, the general constituencies ?

139. Perhaps I am using the wrong word. It would be in an area where there would be an Indian constituency ?—Yes.

140. To what extent shall we find the immigrant labourer qualified to vote in an Indian constituency ? Let me make myself plain. It is a possible thing that the people who have votes in the Indian constituency may be trades-people, and not the labourers ; but, on the other hand, it may be that the Indian labourers, the Indian factory workers, may be qualified for a vote ; and I did not know whether you could tell us in practice if the Indian labourer would be exercising the franchise, not in a special labour constituency but in an Indian constituency. I hear you say, Mr. Rafi, that you think it is so ?

Mr. Rafi : That is so ; there are Indian labourers who are qualified to vote in the Indian constituency.

The Witness: Yes, numbers of them do qualify.

141. *The Chairman*: Did you give an answer which referred to the majority of them, or most of them, or a large number of them?—A large number would qualify in their communal constituencies.

142. *The Chairman*: Here, I dare say, you gentlemen could help us, because, of course, the point arises, first of all whether labour—the wage-earning people—are sufficiently represented having regard to their importance and their number; and the second question arises whether they ought not to be represented in the future by some other means, and something turns on how far here in Burma, the labourer, who is mostly an immigrant Indian, already has a vote, and how far the fact that he has a vote influences the elections. Now, what do you gentlemen say about that?

Mr. Rafi: Labour is not sufficiently represented in the council. As a rule, the Government nominates a member to represent labour, and I do not think that one member sufficiently represents the various labour interests of the province.

143. *The Chairman*: What about the other question, gentlemen? I dare say U Ba Shin, or you, Mr. Rafi, can tell us: Do you consider that labour has any effective voice in some of these Indian constituencies.

Mr. Rafi: It has, unquestionably.

144. *The Chairman*: Have we got a gentlemen on your Committee who is a member for an Indian constituency?

Mr. Rafi: I am.

145. *The Chairman*: Take your own constituency, Mr. Rafi: do you consider that the labour vote in your constituency is a vote that has an effective influence?

Mr. Rafi: Decidedly it has. There are a very large number of labour voters in my constituency, which is Moulmein.

146. *The Chairman*: The actual language of the electoral rule about it is: "That the legislative "council of the Governor of Burma shall consist of" —and then there is a list, and then this particular one is—"a person nominated to represent the following "class, namely, the labouring classes"; and I gather that your view, Mr. Rafi, is that that is not sufficient if the representation is to be by nomination?

Mr. Rafi: That is so.

147. *The Chairman*: There is one other thing which we ought to remember: Sir Arthur Froom will remember it. In the Muddiman Report, paragraph 64, I see this passage: "The Burma rules provide "for one nominated member of the labouring classes. "We have no precise recommendations to make as "to the additional representation which should be "granted, as we consider that each local Government, "including Burma, should be asked to formulate "proposals." Was that done, do you know? Was the Burma Government asked its view?—Yes; the Burma Government was of opinion that the representation by nomination was sufficient. It held that the majority of the urban factory hands were Indians, and many of them were qualified by the vote already.

148. *Major Attlee*: Does the same thing apply to the dock labourers in the ports? Are they mainly Indians?

Mr. Rafi: Entirely.

The Witness: Yes, practically entirely.

149. *Mr. Cadogan*: There is no interchange between the industrial and agricultural workers as there is in some provinces in India? In Bombay we were told that labour representation was very difficult because so many of the agriculturists were industrial labourers as well. The agriculturists do not come into the towns at certain seasons of the year?—Numbers of them come across to help in the reaping of the harvest, and then go on to work in the towns from that.

150. They are chiefly Indians, not Burmans?—Yes.

151. *The Chairman*: Just tell us one thing which I may not have quite clearly appreciated, about the franchise qualification as far as it turns on occupying a house of a given rent. The test is whether the house is occupied with a rent of Rs. 5 a month, I think. Supposing that you have a house of that rental, does that give the vote only to the man who pays that rent, or does it give the vote to a man who occupies the house, whoever pays the rent?—If he is living rent free, if his employer pays the rent amounting to that sum.

152. There must be many cases where, as part of the contract or what not, the provision is made for the person employed that he should live in a house provided for him, and if that is the case it does not matter, does it, whether he pays the rent or not: the test is whether you occupy a house of a certain rental value, not whether you pay the rent?—The actual wording is: "Has lived rent free during the "previous financial year in a house or part of a house "in the constituency owned by his employer or "hired by his employer on his behalf, of which the "rental value is not less than Rs. 60 per annum."

153. *The Chairman*: I might call the attention of the Conference to this, that one of the memoranda we have, the memorandum submitted by the Association of Professional and Business Men in Burma, contains on page 10 this passage: "As the franchise "now stands all that is required for qualification in "urban constituencies is residence and the possession "of immovable property of the value of Rs. 200 or "the payment of municipal or other taxes amounting "to Rs. 4 per annum or the occupation of a house "or building of the annual rental value of Rs. 60 "irrespective of the fact whether the rent is paid by "the elector himself or his employer. In the rural "constituencies the position is analogous." Then this is the controversial matter; this is what they say: ". . . . and from a study of these qualifications it immediately becomes evident that the "majority of the electorate must be members of the "lower orders whose knowledge of even the first "principles of representative government is nil. As "a result we have in the Indian constituencies the "mass voting of coolies acting solely upon the "instructions of their *maistries* and employers; and "in the Burmese constituencies we have similar mass "voting or abstention from voting carried out"—I shall want your help here—"at the instigation of "*pongyis*"—what does that mean?

Sir Hari Singh Gour: Burmese priests.

The Chairman: ". . . whose influence upon the "ignorant classes cannot be over-estimated. And "generally speaking, if pressure of some kind is not "brought to bear upon the electors most of them "would undoubtedly view the elections with an "apathetic indifference." Well, I am not saying that everybody would agree with that; but at any rate, that suggests that there is a good deal of voting by the coolie class.

Mr. Campagnac: There certainly is in Rangoon. What happens in Rangoon is this. If a coolie is not living in a rent-free house, a *maistrie* rents a house for him, and 30 or 40 coolies may live in one room, so at the time of the election the *maistrie* goes round and registers the names of all the coolies living in this room, and no proper enquiry is held, and they may all get on the electoral roll simply because the *maistrie* is paying an annual rent of Rs. 5 a month.

154. *The Chairman*: One knows the difficulty of checking a register, but I suppose that is not the legal effect; is it? The present law would not allow forty people who are living in a place in respect of which a rent of Rs. 5 a month is paid, all to be electors?—I do not think it should.

Mr. Campagnac: In most cases the *maistrie* is paying more than Rs. 5 for the house. Each of the coolies is paying him Rs. 2 or Rs. 3 a month, according to the rent which he is paying.

155. *The Chairman*: I am not sure that it is so, because the language is, apparently—it was just read to us—"the qualification is the occupation of a house "or part of a house the rental value of which is not "less than Rs. 60 per annum."—It might be a room, of course, as part of a house.

156. *Mr. Hartshorn*: But that room would require to be of a rental value of Rs. 60 per annum ?—It should be.

The Chairman: I am no authority on this; some of my colleagues probably know more about it than I do; but my strong impression is that in England the way we get over this kind of difficulty, or got over it in the old days—it does not matter now, because we have manhood suffrage—was that we required separate occupation; so that what was necessary was that there should be a portion of the house in the separate occupation of the voter.

Sir Hari Singh Gour: That appears to be the intention of the framers of this rule.

The Chairman: Yes.

157. *Lord Burnham*: I wanted to ask you a question or two about those parts of this province which are excepted, under the title of "backward tracts," from the general operation of the Reforms. They are enumerated on page 7* of Part I. What is the difference in practice between the administration of the Federated Shan States, which are wholly in charge of the Governor, and the other backward tracts, which are under the Governor in Council? Does that make much practical difference ?—The idea at the beginning, I understand, was this. When the Federation was formed, the Chiefs desired to be entirely free from all connection with the Reforms, and they therefore desired to be put under the Governor alone, as distinct from the Governor in Council.

158. Is it a fact there is one ruler in the Shan States who is in a position of exceptional power, and who is a much bigger man than the others? I mean, one Chief ?—No.

159. *Raja Nawab Ali Khan*: Is there a Head Chief there ?—No.

160. *Lord Burnham*: Are they all equal ?—I think there are five who are recognised as leading Chiefs, but there is no one who is recognised as above all the others.

161. *Lord Burnham*: They have power of life and death, have not they, among their own people? Mr. Stewart points out to me that the words in Part VII are these: "in matters not covered by any "enactment the law to be administered is the cus-"tomary law of the State so far as it is in accordance "with justice, equity and good conscience and is not "opposed to the spirit of the law in force in the rest "of British India." That extends to life and death, does not it?

Mr. Rafi: Except that the Governor is the High Court.

Mr. Campagnac: They have courts there, I understand, which follow the code here, the Criminal Procedure Code. An appeal from the Sawbwa lies to His Excellency the Governor.

162. *Lord Burnham*: The Sawbwa being, of course, the Chief?

Mr. Campagnac: Yes.

163. *Lord Burnham*: Then there are these exceptional cases of certain petty States situated between Burma and Siam and in subordinate alliance with the British Government. They are also under the Governor, are not they ?—Yes.

164. Are they in the same political condition as the Shan States? Take Karenni ?—No, they are not part of the Federation. They are not part of British India.

165. *Lord Burnham*: No, but they are under the political control of the Governor, according to the statement on page 8.

The Chairman: Yes, like certain areas on the North West Frontier.

166. *Lord Burnham*: I wanted to know how they stood ?—They are not part of British India and not part of the Federation.

167. Is there any example in the rest of India comparable to the case of these rulers of the Karenni States? What are they like, in status ?—What are they like?

168. They are not part of British India, but they are not quite in the position of the Indian States, are they ?—I do not know the position of the Indian States. They are under the advice and control of the Assistant Superintendent, and through him under the Superintendent or Commissioner of the Southern Shan States.

169. Has any attempt been made at all in the legislative council to interfere with the control and management of the Shan States ?—So far as I remember, none whatever.

170. Then the present conditions, so far as you know, are approved of by the legislative council ?—Speaking from memory, the only objection they have raised is to the payment of the annual contribution.

171. That is non-votable ?—That is non-votable.

172. Questions can be raised with regard to that with the leave of the Governor in Council ?—Yes.

173. Is that ever done with regard to the management of these States ?—There has been no discussion allowed.

174. I am not sure I follow the difference in status (if you like to call it so) between the Shan States and the Chin hill tracts and the Kachin hill tracts. The latter are under the Governor in Council ?—Yes, which consists of the Governor and the Finance and Home Members.

175. What relation, if any, has the legislative council to them—none ?—The Finance and Home Members are members of the legislative council.

176. How about the money for their administration ?—It is not voted. Money for backward tracts is not voted.

177. *The Chairman*: Just to make it plain, I think at one time you were responsible for this area ?—For a short time.

178. Then will you tell us about it ?—May I have the question again ?

179. *Lord Burnham*: I wanted to know, as these States other than the Shan States are under the Governor in Council instead of under the Governor personally, whether they came in any sense under the legislative council ?—No. They are excluded from the purview of the legislative council.

180. And the expenditure on them is non-votable ?—Yes.

181. Have questions in regard to them been allowed by the Governor (as I suppose he can allow them) in the council ?—So far as I remember, none have been asked.

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191. *Mr. Hartshorn*: I see from page 251* that the Burma Labour Association applied to the Government to have eight members to represent labour, and that request has been turned down on the ground that the Government considers one representative of labour is sufficient. I see from the composition of the council that no representatives of labour have secured a seat by election; there is no member from the labouring classes returned by election, and there is but one nominated representative of labour; and although the Governor had the right to nominate a member, he did not consider it right to increase the number; he thought one was adequate representation ?—The Burma Labour Association is composed entirely of Chittagonians, and I gather that was one of the reasons why it was not utilised to provide a labour representative.

192. I am not saying the Government ought to accept that Association; that may or may not be the case; but the ground on which they declined the request was not that it was a Chittagong Association, but because labour was said to be already adequately represented. It seems to me very remarkable that one among a crowd of 103 (of whom the description is given here) lawyers and landowners and railway magnates should be considered adequate to represent the interests of labour, because whatever you may say about the Burma Labour Association, you tell us there are 107,000 under the Factories Act. It seems very remarkable that a representation of one should be considered so. Has it been up

* Vol. XI.

for reconsideration since 1926 at all ?—Not so far as I know.

193. You do not know ?—No.

194. The Chairman has ascertained that more than 50 per cent. of male adults are already on the register of voters. Do you think there would be any practical difficulty in applying adult suffrage in Burma ? When I say practical difficulty, I mean do you think there would be any insuperable difficulties in the way of setting up machinery for dealing with the voters at elections and preparing a register and so on ? Is there any real, practical difficulty in the way ?—I do not think so ; not so far as machinery is concerned.

195. I refer to machinery entirely ?—It would be difficult, but it would not be impossible.

196. You think it would be possible in practice to work it ?—Yes, I think so.

197. *Major Attlee* : I should like to follow up that last question. A very much higher proportion of males is enfranchised here than in any other province. Has your machinery for polling and so on worked all right ?—There have been one or two unfortunate incidents, but on the whole it has worked satisfactorily.

198. You managed to find the personnel to run your polling stations ?—Yes, we have done so so far.

199. But you had a very small proportion voting in most districts ?—Yes.

200. If you had a bumper poll, say 80 per cent., do you think you would manage all right, or did you estimate a large proportion would be indifferent ?—We estimated on the smaller basis.

201. But I presume when you fixed the present franchise you could not be sure they would not all vote, and therefore you estimated you could run it with this high proportion of electors ?—I think it could be done.

202. Of course, you have also a higher proportion of literates in this country ?—Yes, on the figures.

203. What does that mean ?—Literacy, according to the census, is ability to write and read a letter from a friend. I leave it at that !

204. That is a general consideration applying all over India, I think ! Have you managed elections yourself in this country during the period of the Reforms ?—I was present at the first election.

205. Do you think the voting was secret ?—Yes, quite secret.

206. *The Chairman* : I do not quite understand the previous answer. I do not follow what you mean by being present. Have you been a returning officer ?—Yes.

207. That is what you mean by being present ?—Yes.

208. Have you been a presiding officer ?—No.

209. *Major Attlee* : You were in general control of elections in a district. Is that right ?—Yes.

210. And in your opinion the ballot was secret ?—Quite.

211. Is it a fact that in Burma there are few wealthy people in the country districts, that most people are more or less on a level ?—Yes, they are more or less on a level. There are a few wealthy people, and the rest are more or less on a level.

212. There is no big leisured class, or landlord class ?—It is rather difficult to say definitely. They have numbers of occupations, if one may put it so. Numbers of people own land more or less with other occupations ; they may be pleaders, they may be brokers.

213. *Colonel Lane-Fox* : You have just told Mr. Hartshorn that you thought the difficulties of adult suffrage would not be insuperable ?—Yes.

214. You have also told us, I think in your memorandum, that only about 18 per cent. of the voters voted in previous elections ?—Yes.

215. And yet, in spite of that, with that very small number voting, we have a memorandum here from the business men, who describe the conditions of elections, particularly in Rangoon. Do you agree with this ? You said that you were satisfied that the elections were properly conducted by the staff that you could command ?—I said in most cases. There have been cases, of course, where there has been congestion.

216. With only 18 per cent. on an average voting, is this a true account of what happens ? It is on page 8 of the memorandum by the business men : after saying that every species of electoral fraud will be practised, it says : " The most crying evils " are personation and intimidation," and it goes on to say that often the candidate in control of the Hindu coolie vote or his agent gets a mob of labourers to prevent those of whom they do not approve coming to vote, and so on. Do you consider that that is a sign of adequate staff and proper management of elections ? Does it not suggest that if you had a bigger vote, say adult suffrage, it would be very difficult ?—I admit that it would be very difficult, but I would not like to say that it is impossible.

217. You still think, in view of the conditions of elections as they are now, with a very small vote, that you can run an election with adult suffrage under present conditions with the staff you have ? Are you satisfied that the elections as conducted now are secret, that there is a secret ballot ?—So far as we can arrange it. What they do afterwards I do not know. They go into a separate walled enclosure to put their tokens in the box. They are supposed to go only one at a time. We can do no more.

218. You make sure that they do only vote one at a time, and that nobody knows unless they tell them how they have voted ?—Those are the rules.

219. Are you satisfied that the elections in Burma are really free from what we call corruption in England ?—On any particular lines ?

220. That they are free from personation and fraud at the polling, and that they are free from corrupt influence ?—There are on pages 266 and 267* notes of election petitions, which include a certain number of charges of personation and corruption.

221. Yes ; but if everybody is sufficiently corrupt, nobody dares to present a petition, and therefore election petitions are no test at all. Election petitions are only effective where there are few persons corrupt, and most persons are against them ?—Yes.

222. You said that the voters took a considerable interest in the elections. Then, if so, why do only 18 per cent. vote ?—I do not remember that reference —that the voters took an interest in the elections.

223. Perhaps I heard you wrongly. I took it down so. You do not agree that they do take an interest ?—As a rule, I do not think they do.

224. Just one question about the urban and rural representation. You said that the reason why the urban population were given such a very large preponderance of voting strength was that the intelligentsia live in the towns ?—I gathered that that is the reason. I have not found it actually stated anywhere.

225. But as a countryman I am disposed to challenge that. Have the people made no complaint of their unfair treatment ? I mean, have the country people made no complaint ? Has there been no complaint from the country that they do not get their proper share ?—No complaint, so far as I know.

226. It does not sound as if they were taking much interest. As regards university representation, I do not want to know anything about any individual, because that is not the point, but do you find that university representation in Rangoon does bring you men representing university life, or learning, or education generally, or do you just get what I might call the ordinary politician ?—I have not been on the council, but the qualification for the university is that the member should be a fellow or a graduate of the university.

227. Well, a graduate does not help much, does he ?—Of course, I have not been a member of the

* Vol. XI.

council, and I do not know who the members have been.

228. *The Chairman*: Had you this page 8 of the business men's memorandum before you when Colonel Lane-Fox was putting questions to you?—No.

229. Just look at it now. Would you mind reading the top half of the page through to yourself? It ends by saying: "The coolies who flood "the polling booth carry, each of them, a coloured "card issued by the organization of one of the "candidates saying that his name is so and so and "his number on the register so and so. This is for "the convenience of the tellers"—the tellers, I suppose, means the presiding officer—"It conceals "the fraud by the ignorant coolie; for the name "on the card is not his own. When the coolie has "voted, he returns for a fresh card and repeats the "process." That purports to be a description of a municipal election in Rangoon. I want you to tell me who is the most knowledgable and experienced official who can come here and give me some information about the elections in Rangoon, and how they are conducted?—Mr. R. K. Harper.

230. What is his position?—Collector of Rangoon, I think.

231. Tell me in the meantime, as you have read the memorandum, this of course is a municipal election; but have you been yourself resident in Rangoon for some time past?—No.

232. You have come here for the purpose of helping the Conference, have you?—Yes.

233. Naturally, we could not expect you to have first-hand knowledge.—I have not been in Rangoon at any election.

234. Then you are not in a position to tell us how far this sort of description, which is not very satisfactory, corresponds with your own impressions. What was the part of the country where you were when elections were taking place? After all, it is only two months ago, is it not?—I took no part in the elections in 1928.

235. But presumably you would be interested in them?—Oh, yes.

236. What part of the country were you in?—Moulmein.

237. Can you tell me whether anything of this sort of description which I read here in the least corresponds with your impression, or not?—It would not be at all a fair description of conditions in Moulmein. I think Mr. Rafi will bear me out in that.

Mr. Rafi: That is so.

238. *The Chairman*: Is there anything you can tell me? I do not in the least want to refer to any individual, but is there anything you can inform the Conference about the way in which elections are conducted in the area you do know best? * * *—The only election at which I was actually present was the first, in 1922, at Shwebo, in Upper Burma. I was not a presiding officer, but naturally I took considerable interest and watched the proceedings right through the day. There was no congestion; it was busy, undoubtedly, but they were able to cope with everything. There was no trouble at any of the other polling stations in the district either.

239. *Colonel Lane-Fox*: Was there personation of the sort which is described here, of men bringing cards with the names of other men on them?—These conditions refer, I think, entirely to Rangoon, and conditions outside Rangoon, I think you will find, are quite different. They are Indian coolies, and most of our presiding officers are Burmans, and the transliteration of Indian names into Burmese is quite likely to lead to difficulties.

240. *The Chairman*: In the area that you know most about, what sort of a person is the presiding officer? I do not much mind who is the returning officer; he announces the results; but who sits in the chair, the list in front of him, and, when the voter comes forward, ascertains that he really is the person he pretends to be? What sort of a person is a presiding officer, a polling officer?—I chose different people of different establishments under my control, whom I knew personally to be knowledgable and trustworthy, of different departments. Some were land records inspectors, some were head clerks in an office. They were deputed solely for that duty for that day.

241. Then the man comes forward who wants to vote, and I suppose the first thing is to find out who he is, and to identify his name on a list, and make sure that he has not already been struck off as having voted before. What is the process? I would like you to describe to me. I can describe it to you in England quite clearly. What is it under your system?—The polling officer would have the register in front of him. The voter would come and give his name, his village, and his father's name, and the polling officer would check from the roll of his village tract. He would find his name and his father's name. It would then be open, of course, to one of the candidates or his agent to object.

242. What we should call, in England, a personation agent, somebody who watches?—Yes. If his name was on that list, and he was not marked off as having already voted, the polling officer would mark him off either by a mark or his initials, and either give him a token or have him given a token by a clerk.

243. Is the system of coloured boxes in use here?—Yes; they are allowed to put any symbol or colour on their box.

244. Does he come forward and tell the polling officer whom he wants to vote for?—No, he need not.

245. How does the polling officer know what tally to give him? He gives him a tally?—It is simply a piece of tin about the size of a half-crown.

246. And he is at liberty to put it into any box he pleases?—Into any box, and the boxes are in a walled-in enclosure into which the polling officer is supposed to see that only one man enters at a time.

247. *Mr. Hartshorn*: And there is a different coloured box for each candidate?—It is at their discretion, and their wish. Sometimes they have marks on the box; sometimes a cross, or different colours.

248. Marks of animals?—Sometimes, yes.

249. *Mr. Cadogan*: On page 338 of Part III* at the bottom I read: "The mass of the population "takes no general interest in the proceedings of the "council, and on it the council has no general effect, "though the council may be utilised to bring local "needs and grievances to the notice of Government. "The Council is not yet the focus from which "political views and organisations are propagated "throughout the country. These emanated from "outside sources." What does that mean,—outside sources?—Political views, I should take it; propaganda by associations outside the council.

250. Are you in general agreement with that rather devastating statement that I have just read, that the mass of the population takes no general interest in the council?—Yes.

251. *Lord Strathcona*: One question about election expenses. I gather from the book here that the candidate and his agent have to make a return of election expenses on oath, and so forth, but I also gather, or I imagine, that there is no limit to election expenses. Is that the case?—No limit has been imposed.

252. Is that abused? Do you think election expenses are ridiculously high in some cases?—Not in my experience.

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253. *U. Aung Thin*: * * * Would it not be a very serious obstacle in the way of future development for Burma if the Shan States and backward tracts were left alone as they are? Would it not act as a drag on Burma? Burma as a whole cannot advance without that big part of the Shan

* Vol. XI.

States and backward tracts ?—I am not qualified to speak on behalf of Government on policy of that description, but my personal view is that it would make no difference; that Burma as Burma can develop on its own lines, leaving the Federation as it is at present.

254. But the Federation is undoubtedly an integral part of Burma. We cannot get away from that, can we ?—It is legally a part of Burma, but I do not see that the development is in any way hindered by continuance of the present state of affairs. As I say, it is my personal view. I am not qualified to bind Government in any way.

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256. Another remark you made was that the Burmans take little interest in elections as a rule. Do you mean positive interest or negative, because there have been boycotts in the first council election as well as the second, and the boycott influence has acted as a drag upon the actual voting, but the people did take an interest in the elections. What would you say ? Would you say that because people abstained from voting, therefore they did not take an interest ? I want to put it to you that the fact of abstention from voting may be taken as interest, although it is a negative interest, in elections. Do you agree with me ?—I take it that you ask whether the fact that the percentage is so small is due either to lack of interest or to intimidation, practically ?

257. That the abstention from voting, owing to the boycott, may be taken as an interest, though a negative one, in elections ?—Personally I would not say that boycotting and abstaining from voting on account of a boycott was to evince an interest.

258. It is a negative interest ?—That is a curious expression.

The Chairman: It is difficult to dive into people's minds; but I quite agree that there are occasions in which people with very high political interest decide not to vote. That is perfectly true.

259. *Mr. Rafi*: Do not you think the Government nominee to represent labour is more likely to be a capitalist, whose interests very often are adverse to those of labour ?—The nominee is nominated by the Governor to represent the labouring classes. I have no knowledge of the line on which the Governor chooses his nominee, but I take it he would not choose a person who he considered was not likely to represent those classes. I do not know any of the nominees myself, but I gather the first was Mr. Abdul Bari Chowdry.

260. He is a capitalist ?—Yes. The second was Mr. Narayana Rao, a journalist, I think.

261. He was elected ?—He was elected in the first council and nominated in the second. The third is an employer of labour. That, to my mind, indicates one of the difficulties of electing a representative. The Governor presumably took the greatest care to select a proper representative of the labouring classes, but was unable to find any suitable person except an employer of labour. That is my personal view.

262. Do not you think it would be in the interests of labour to substitute election for nomination ?—In the present circumstances my personal opinion is that it would not.

263. *The Chairman*: I am not clear, Mr. Rafi, what the suggestion is. You will not mind making it clear to me. Do you mean that those who are sitting for an Indian constituency, for example, should no longer rely on any labour vote, but that the labour vote should be quite separate ?

Mr. Rafi: That there should be a separate labour constituency.

264. *The Chairman*: And perhaps more than one ?

U. Ba Shin: Yes.

265. *Mr. Rafi*: Yes, more than one. (To the Witness) What was your answer?—My personal feeling is that at present the present arrangement is better.

266. What are your reasons for supposing so ?—My reasons are partly based on the fact that the three nominees hitherto have been employers of labour, except in the case of Mr. Narayana Rao, and the majority of the industrial labourers are illiterate.

267. But why should not they be allowed to choose their own representative ?—I think they are as well represented as possible in their present condition.

268. You do not consider the interests of an employer of labour clash with those of labour ?—If I may again refer to this report, I think it says that the real enemy, so to speak, is the *maistry*, not the employer. You will understand that I have no knowledge of the conditions in Rangoon at all, and Rangoon is the chief place where labour congregates.

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271. *Mr. Rafi*: In Part I, page 11,* paragraph 26, you give the Indian population " In view," you say, " of the agitation regarding the separation of Burma " from India." What bearing has the number of Indians on the separation question ?—If you will read on further, in that same paragraph, on page 13,* I quote from the census report: " The frequent cry " that the Indian is rapidly displacing the Burman is due to the large number of Indians who can be " seen landing from the ships that come from India " to Rangoon," and so on.

272. Do you think the cry that Indians are displacing Burmans has any foundation in fact ?—Do you want my personal opinion ?

273. *Mr. Rafi*: Your personal opinion or an opinion based on statistics; it does not matter which.

The Chairman: The extent to which they are coming into and staying in the country is shown at the bottom of page 13.* There are statistics there showing year after year how many more Indians come than go.

274. *Mr. Rafi*: I see that, but the question is whether they displace Burmese labour or supplement Burmese labour. The Indian population is about 880,000 in Burma ?—In the whole of Burma.

275. What is the percentage of Indians to the total population ? You give it as 6·7. Now, you see that the rate of growth is 1·1 in 20 years. Is that correct ? That is what I deduce from your figures ?—Yes.

276. 1901, 5·6; 1921, 6·7 ?—Might I refer you to this report again ? It says, " The Indian popula- " tion in Burma tends to decrease naturally, and the " greater the population the greater is the decrease."

277. The Indian population does not tend to grow ?—According to this report.

278. Do you think that Indian labour competes with Burmese labour ? Mind you, you yourself point out that Indians are under 4 per cent. of the population in rural areas ?—Are you talking of industrial labour, or agricultural labour ?

279. Let us confine ourselves to agricultural labour ?—It supplements Burmese labour.

280. I take it that the Indians fulfil an economic necessity in this country ?—I think so.

* Vol. XI.

Afternoon.

Mr. J. J. ANDERSON, I.C.S.—*continued.*

1. *Mr. Rafi*: Mr. Anderson, I should like to invite your attention to Mr. Bennison's report, page 92. The last sentence in the second paragraph reads as follows: "But although the Burman may be ex- "pected to take an increasing share in industry, "the province will be dependent on Indian labour "for many years to come, specially for the hard, "monotonous, unskilled work which is so distasteful "to the Burman. In Rangoon Burmese unskilled "labour is practically non-existent, and it is difficult "to imagine how industry could be carried on with- "out the disciplined gangs of Indian coolies." Do you agree with that?—My knowledge of Rangoon is very slight, but I am not prepared to disagree from it.

2. Please look at page 466 of the Burma Government's memorandum, Part IV.* I want to draw your attention to the Table at the bottom of that page. You will find that there is an abrupt drop from 24 in 1923–24 to 2 in 1924–25 in the case of municipalities classed as satisfactory. Then there is a similar drop from 20 in 1924–25 to 7 in 1926–27 in municipalities classed as fairly satisfactory. Then there is a rise in the same period from 5 to 12 in those classified as very unsatisfactory, and a rise from 29 to 52 in those classed as unsatisfactory. Could you give any reasons for this abrupt and sudden change? Is it not significant?—It is possible that a large part of it is due to the fact that a number of the better municipalities were not examined in those years and that the attention of the Audit department was paid rather to those which have been classed as unsatisfactory. You will note that in 1924–25 the number examined was 86. In 1925–26 the total number examined dropped to 53.

3. *The Chairman*: I am not quite clear as to your answer, Mr. Anderson. You are giving an explanation which you have reasons to know is right, or you expect it to be right?—It is difficult without the details to give a detailed explanation now. It is some time since I wrote it.

4. No one is criticising it. I wanted to know as a matter of fact whether you are giving an explanation which you know is right?—That is the explanation which I consider at present to be correct, that the department began to pay more attention to those that were less satisfactory. That took up more of their time.

5. I am afraid I do not quite follow it. In 1923–24 the total is 76, is it not?—Yes.

6. In 1924-25 it is 86?—Yes.

7. Are you suggesting that the 86 do not include the 76?—I am afraid I am not prepared at present to explain.

8. I am so sorry to trouble you, but surely the audit officer examines the accounts of all the municipalities and town committees?—Not necessarily, sir, all in the same year. He has only a certain staff and that staff may not be able to get round them all.

9. The Audit department is a department of the Central Burma Government?—It is the Local Audit department.

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Mr. Rafi: Will you allow me to suggest a reason? I see that these drops synchronised with the appointment of Mr. Badock as the examiner of local fund accounts.

11. Lord Burnham: He is much stricter?

Mr. Rafi: Much stricter and much more unreasonable. The moment he came in there were these drops. Everything was unsatisfactory.

The Chairman: After all it is only a question of whether the criticism is well founded in fact.

12. *Mr. Rafi*: As a matter of fact we are prepared to say that it was not. This has been taken as an indication of our unfitness. So, we want to point out that matters have not been represented as they should have been here. I see that even the Corporation of Rangoon has been accused of irregularities. Now, the Corporation of Rangoon possesses a chief executive officer, who is an I.C.S. gentleman pretty high up in the civil service?—Yes.

13. And a very distinguished member of the Indian Civil Service?—Correct.

14. And he has a very extensive knowledge of municipal administration?—I agree.

15. He was for 15 years in the Corporation of Rangoon. Now, taking all these facts together, it would appear that either there is something wrong with the Audit department or that all the local bodies have all of a sudden deteriorated?—I do not know that I am prepared to accept that as a necessarily full and complete statement.

16. Since the version of the examiner of local fund accounts has been reproduced here why was it not thought fit to reproduce the version of the chief executive officer of the Corporation?—You mean his explanation?

17. Quite. There has been a long controversy going on between these two officers. You have reproduced one version but not the other?—I reproduced this from the Government reports which are at the disposal of everyone. The other documents, I am afraid, were not at my disposal.

Mr. Rafi: They were available at any time.

18. *The Chairman*: I understand that these pages (page 466)* are extracted from the annual reports which are issued by the Government; are they not?—That is so, sir.

19. *The Chairman*: So one must not assume that there is anything wrong in that.

Mr. Rafi: Here we are dealing with a very important body, and I should have thought that they would have placed before us the other side of the story.

The Chairman: I suppose the annual report is intended by those who publish it to be a fair report. I know nothing about it of course.

20. *Mr. Rafi*: Please look at page 466 (Part IV, Burma Government memorandum)*. You see there that "the only accounts reported satisfactory are "those of the Myitnge Town Committee"?—That is also from the annual review for 1926–27, an extract from that report.

21. Now, the area administered by this town committee is 834 acres, of which 550 belongs to the railway? Is that correct?—I am not prepared to dispute that.

22. And the revenue derived last year was Rs. 1,912-2-9?—Are you quoting from the appendices?

23. No, I am giving you my own figures.—I think you will find the figures quoted.

24. We see that the revenue is about Rs. 1,900. —You are quoting from the annual report?

25. Yes, my figures have been got from the annual report. Of this amount Rs. 935 is paid by the Burma railways alone?—I am not prepared to dispute these figures. I have not these figures with me just at present.

26. Do you know that the establishment there consists of a part-time secretary, a durwan and a cattle-pound keeper?—I have no knowledge.

Mr. Rafi: I want to show that this wonderful

* Vol. XI.

town committee that has been held up as a model to us is a small insignificant little place where nothing can go wrong. It has got a part-time secretary, a cattle-pound keeper and a durwan, and the whole of its revenue is about Rs. 1,900, more than half of which is collected just by a cheque issued by the Burma railways.

27. They start by saying that the committee consists of about five European gentlemen, and then they say that that is the only municipality that has been satisfactory ?—No, I think you are rather misjudging there. I say : " The Myitnge Town Com- " mittee, it may be noted, consists of five officers " of the Burma Railways Company." That is practically an explanation in a way. It says : " The " only accounts reported satisfactory are those of " the Myitnge Town Committee." That is from the audit report, and then I said that the Myitnge Town Committee, it may be noted, consists of five railway officers, the deputy-commissioner, Mandalay, and the sub-divisional officer, Amarapura. My intention, so far as I remember, was to say that it was an entirely official business, that there were no elected non-officials.

Mr. Rafi : That is to say, that the official body ran its business more competently than those which are not official. That is the implication ?

28. *The Chairman* : You see, Mr. Rafi, after all we have here as far as may be a candid account. It is not any argument against it that it is favourable or unfavourable. Would you mind turning to page 465 (Part IV, Burma Government memorandum) ?* You may be able to tell me whether it is true or untrue. There it is stated :—" In one " case a municipal committee proposed to employ " as its secretary a man who had recently been " convicted and imprisoned for embezzlement in his " capacity of secretary to the district council in the " same town." You might know whether that is a true or a false account ?

Mr. Rafi : I do not know. I suppose that town committee thought that there was no harm in giving the man a chance even if convicted.

The Witness : I may say, sir, that the statement is correct and that the man, as a matter of fact, is still acting under special dispensation.

29. *Lord Burnham* : Dispensation from whom ?—From the local Government. As having been dismissed from the service, he is not allowed to be re-employed without special sanction, and the municipality represented that they could not at the time find another more suitable man. So he was allowed to act for a period.

30. *Mr. Rafi* : You have referred to the district councils' failure to delegate powers to the circle boards. Do you not think that the Act itself is defective in that respect ?—No, I do not think so.

31. Do you not think that the Act should in the first instance have given powers to the circle boards, leaving the powers of supervision to the district councils ?—I have not got the Act here, but so far as I remember, it enables the district council to devolve on the circle boards such powers and functions as it considers desirable.

32. I follow that, and you complain that they have not delegated such powers ?—Excuse me, I am not complaining ; I am only stating facts.

33. You point out that they have not done so, but I suggest that the Act might in the first instance have given powers to the circle boards leaving the work of supervision to the district councils. As a matter of fact I understand that that is what is being done now ; the Act is being amended in that respect. Am I right ?—You have more inside knowledge than I happen to have. I believe it is under consideration.

34. You have also pointed out certain irregularities committed by district councils. Are those mainly due to their ignorance of the English language in which the Act is published ?—Have you in view any particular delinquencies, or is it just a general inefficiency to which you are referring ?

35. *The Chairman* : Take page 445.* Of course I do not for a moment want to be understood as drawing my own conclusions either one way or the other. But after all you have to see both sides. Let me just read one sentence to you :—" In one " case a district council elected as its chairman a " member who was at the time under trial for em- " bezzling school teachers' salaries in his capacity " as chairman of the district school board." I believe a man need not know much of English to form a judgment about his choice in such a case. Is that not so ?

36. *Mr. Rafi* : It is a matter of opinion, sir. Mr. Anderson, you are contemplating the publication of this Act in Burmese, are you not ?—I do not know. In fact I should be surprised to know that the Rural Self-Government Act is not already in Burmese.

37. It is not.—I am surprised to hear that.

38. *U Ba U* : Mr. Anderson, you say at page 250* of Part III that a member of the legislative council has to represent over two lakhs of persons in the district, and on page 257* of the same part you say that the scarcity of voters is due to the ignorance and apathy, want of previous experience and the non-co-operation movement. Do you infer that the smallness of the number of voters is due to ignorance of Burma, because the percentage of voters who actually voted in England was larger, and that if only Burma was not ignorant, the percentage would have been higher ? Is that your meaning ?—I did not quite follow the question.

39. *The Chairman* : I think what is meant is this, that things are improving, that the first time the voting occurred, which was in 1922, of course it was new, and when things are new, they are strange and people do not know so much about them. So the first time you may expect the smallness of the voting strength to have been due to a good deal of want of knowledge and a good deal of want of interest. And then he says that in 1925 it was much better, and I understand that in 1928 it was better still ?—Yes, the percentage of votes was higher, and there was much greater interest displayed in elections.

The Chairman : I do not treat it myself as a hostile criticism at all.

U Ba U : But I wish to point out, sir, that in Burma a member has to represent about two lakhs of persons, whereas in places like England a member has not got to represent more than 72,000 people, and in that way it is very difficult to work up the constituencies in Burma.

The Chairman : And I think also that most of you, gentlemen, find it much more difficult to work up and be in touch with your constituencies than would have been the case with smaller constituencies.

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44. *Mr. Campagnac* : The remarks referring to the Corporation of Rangoon, to which your attention was directed by Mr. Rafi, were answered by Mr. Gavin Scott in a letter to the Government. Are you aware of that ?—No.

45. Then I will tell you about that. That letter was dated the 20th of February, 1928, and I may also tell you that the Corporation has not so far received any reply to that from the Government. And may I also ask you to get a copy of that letter and send it on to the Conference ?—Yes.

46. So far as the Anglo-Indian community is concerned, am I right in saying that that community is almost entirely a literate community ?—Yes, so far as I am aware.

47. All its members can read and write and have had some education ?—Those whom I have met, certainly.

48. You have not met anybody who has not received some education ?—No.

* Vol. XI.

49. Can you tell me the number of Anglo-Indians who enter the university ?—I am afraid I cannot give you the figures off-hand.

50. Are there a number of Anglo-Indian teachers here in Burma, both men and women ?—If I remember right, the last quinquennial report stated that the number of male Anglo-Indian teachers was small.

51. The number was falling off ?—Yes.

52. That was because of the poor pay ?—I do not know the reason.

53. We were told that the ballot here is a secret ballot. I am putting it to you that there may be some objection to the ballot being a private ballot because in one case I am told that a voter at the last election in Rangoon went in and left the token on the top of the box, and the next voter who went in also left the token on the box, and in that way several tokens were left on the top of the box. And then some intelligent voter came in and saw them all whereupon he put them all into the box of the candidate whom he was supporting. So that where you have an electorate which is absolutely illiterate, there may be some objection to this system of secret ballot ?—I am not prepared to deny that things like that did happen.

54. You were asked questions about labour. The majority of the labourers here come from the Madras presidency. Is that not so ?—Yes, I believe from the Madras coast.

55. And they are either Tamil-speaking people, or Telegu-speaking people ?—I understand there are also Oriyas, Chittagonians, Hindustanis and so on.

56. But most of the people who come from the Madras presidency, I believe, speak Tamil and Telegu. I know there are also Oriyas, Chittagonians, etc. I want to know who is in the majority. Will you kindly give us the figures ?—Yes, you have got those figures at page 4 of Mr. Bennison's report. They are :—

	Males.	Females.
Bengalis - - - - -	11,233	1,578
Chittagonians - - - -	12,625	313
Hindustanis - - - -	23,609	3,072
Telegus - - - - -	56,884	9,192
Tamils - - - - -	27,763	14,283
Oriyas - - - - -	5,557	404
Other Indians - - - -	16,866	5,955

57. So the majority of them are Tamils and Telegus, according to those figures ?—The majority of males on those figures.

58. It shows apparently that most of those people do not bring their wives to Burma ?—Judging from those statistics, yes.

59. For the most part are these labourers illiterate ?—I have no personal knowledge, but I understand that they are.

60. And do you think that it will be possible for Government to nominate a member of the legislative council from among the labourers ?—You mean from the Tamils and Telegus ?

61. Yes, and the Oriyas and Chittagonians also ?—I do not think he would be at all a suitable person to voice the needs of Telegus, Tamils, Hindustanis, or the Chittagonians in the council.

62. The language of the Burma legislative council is English and Burmese and the labouring classes which come to Burma are mostly a floating population, that is to say, they remain for a period of two or three years and then go back to India, and during that time, I take it, they would not have acquired a fluent knowledge of the Burmese language ?—That is so.

63. And it would be absolutely useless to nominate one of them to the legislative council ?—Yes.

64. In the first legislative council, Mr. Narayan Rao was elected by an Indian constituency ?—Yes.

65. Mr. Narayan Rao is a Telegu ?—I do not know him.

66. Well. he is. I think he was a teacher by profession ?—I believe so.

67. I think he was a teacher in the National School. While he got in in the first election, in the second and third elections he failed to get a seat ?—Yes.

68. Is it not a fact that it is very difficult for an Indian to get returned from an Indian constituency in Rangoon unless he can secure for himself the votes of these Indian labourers ? I will put it in another way. The votes of the Indian labourers can only be obtained by getting the *maistries* on your side ?—That, I think, is the purport of the memorandum a reference to which was made this morning.

69. To get *maistries* on your side you must be a man who can dip your hands rather deeply into your pocket ?—I am not prepared to express any opinion.

70. If we only allow people who have been residents in Burma for a continuous period of three years to vote, we might exclude a large number of these immigrant labourers ?—Probably we would. It would be difficult, on the other hand, I imagine, to prove or disprove.

71. If you do that you would have to insist that when a labourer came to Burma and wanted to have a vote he should immediately register himself ?—Special steps would have to be taken.

72. If that is not done, then you would advocate, I suppose, the formation of a separate electorate for the labourers, allowing them to elect their own representative or representatives ?—It is rather a hypothetical question.

73. *The Chairman* : I should like to say, while the matter is still fresh, that Mr. Gavin Scott's letter of 20th February which was handed to me indicates that there was a very strong difference of opinion between this gentleman and the gentleman who wrote these audit comments, and looking through some of the illustrations in Mr. Scott's letter it is plain that there has been a great deal of fault-finding—whether justified or not does not matter, but I thought that I should mention it. I am much obliged to Mr. Campagnac for drawing our attention to this letter. Might I just ask you this, Mr. Anderson ? Were you the gentleman responsible for Part IV (Local Self-Government)* which was drawn up, I am sure, with the very greatest care and the best of intentions by the authorities ?—Yes, sir.

74. Obviously you did quite naturally rely largely upon these annual reports of the Audit department ?—Yes ; and the annual municipal reports.

75. Did you know at the time this Part was drawn up that Mr. Gavin Scott had, with the authority of the Rangoon Corporation, sent a letter to Government in which he has dealt with a number of these comments ?—No, sir.

The Chairman : I think it is reasonable to say that if one hears one side of the matter it is right to hear the other side too. Everybody wants to do what is fair. I think we better have circulated some copies of this letter because undoubtedly it does go to show that at any rate in the view of the Corporation there was more fault-finding than was reasonable. I would also like to see one of the annual reports which you relied upon in drawing up this chapter.

76. *Mr. Eusoof* : Coming to the question of elections, Mr. Anderson, do you know that at all the elections in the rural constituencies all the village headmen are required to be present to identify the voters and their presence practically prevents personation ?—I am not aware that there was an order that all headmen should be present, but I know that the presiding officers are instructed to have identification made where necessary.

77. If rules were framed to the effect that all the village headmen should be present at the election booths to identify voters, do you not agree with me that that would practically knock out personation in rural areas ?—In rural areas I agree it would. Personally I am not in favour of using a headman who is regarded as an official ; in that respect the less the officials have to do with it the better.

* Vol. XI.

78. With regard to the voters in urban constituencies, especially the coolies who are, what I might call, a moving population, as they are absolutely strangers to the country and the presiding officers are mostly Burmans, the presiding officers are in most cases unable to identify them properly ?—They have great difficulties, I admit.

79. And therefore I suppose you do not wish to maintain that the corrupt practices complained of in the memorandum of the Association of Professional and Business Men in Burma are entirely true. They cannot be true so far as the rural areas and the urban areas, except in the City of Rangoon, where a large number of voters are coolies, are concerned ?—I have not heard of personation taking place to any considerable extent outside Rangoon.

80. I think you are aware that there has been no single election petition, complaining of corruption, personation or otherwise, during the last election ?—There were six election petitions ?

81. Have commissioners been appointed to investigate into these petitions ?—I do not know ; I think they are under consideration.

82. *U Ba Shin* : Is it true that in the present composition of the council you have not given representation to the landowner class in Burma ?—There is no seat reserved for landowners as a class.

83. Do you not think it is desirable that they should have special representation ?—I do not think that there should be a seat reserved for landowners as a class. Landowners, I think, have other means of livelihood. There are advocates who own land, there are merchants who own land. I think it is mentioned in one of the paragraphs in the Government memorandum that investment on land is one of the chief methods of disposal of surplus cash in the province. May I refer you to the end of paragraph 38, Part I : " The fact that land is the " customary investment for surplus capital, whether " derived from agriculture, trade or a profession, has " a most important influence on agriculture in raising " the price of land and the pitch of rents."

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85. You have stated that the percentage of votes recorded to voters was 6·92 in 1922, and 16·26 in 1925, while it was about 20 per cent. in the recent election. Do you not think that this is a clear indication of the growing interest of the voters in the election ?—I think there is every hope that in time there will be very considerable interest.

86. Is it not a fact that the low percentage in rural areas is partly due to the fact that there are difficulties of communications and also because of the vastness of the constituencies which make it difficult for the candidate to be in touch with the voters ?—In this connection I would invite you to page 256* of Part III of the memorandum where it is stated that " A " scrutiny of the percentages in rural areas does not " suggest that difficulty of communications was an " important cause of restriction of voting. Some " districts where communications are relatively " inferior show a comparatively high percentage " and vice versa."

87. But, anyhow, you admit that it is easier in Rangoon for a candidate to converse with his constituencies than it is in rural areas, because in the former case the area is more compact and that is one of the reasons why the percentage is lower in rural areas ? Take the case of the Rangoon Town (urban general constituency). Is it not a fact that the percentage of votes recorded to the voters at the last elections worked out at about 55 per cent. ?—I think so.

88. *Sra Shwe Ba* : Have you served in a district where there are many Karens ?—Yes, in Myaungmya.

89. Are not Karens an indigenous race in Burma ?—Yes.

90. What is your candid opinion as to the necessity of retaining communal representation of Karens in the present state of political growth in Burma ?—My personal opinion is that it should be retained.

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97. *Sir Hari Singh Gour* : Now, I will ask you another question with reference to India. You say with reference to the industrial progress of the country, at page 17* (Part I) : " The fol-" lowing Table extracted from the same report " —and that is the one you were referring to on the preceding page—" shows the total number " of persons employed in all the principal classes of " industries by races. It will be seen that roughly " five-eighths of all employees are Indians, a little " more than one-quarter are Burmans and the " remainder are chiefly European, Anglo-Indian and " Chinese." And then you give a table, from which it is perfectly clear that the bulk of workers in the industrial arena in this province are Indians ?—Yes.

98. Consequently Burma owes its industrial development to the Indian agency, judging from that paragraph ?—That is rather a large assumption. I mean, labour is not the only factor in development.

99. No, not necessarily, but without labour you cannot carry on any industry. Now turn to the capital side of it. Is it not a fact that the industrial development of this country is due to the enterprise of Europeans and Indians ?—I think that would not be an unfair statement.

100. Therefore, taking the two statements together, Indians have contributed largely to the development of Burma, to the industrial Burma as we see it to-day ?—They have made a great contribution.

101. Now, if you turn to page 270*, Part III, you will find the following statement there. After stating the question of communal cleavage you say : " The only divisions in which Government secured in " the council a unanimous Burmese vote were those " on the Tax on Sea Passengers and Expulsion of " Offenders Bills. These measures were regarded by " the Indian members as involving racial discrimina-" tion against Indians, and not a single Indian " member voted for them, nor did a member of any " indigenous race except the Karen vote against " them." Now, will you kindly inform the Conference of the history and the result of these two Bills ? Were they not vetoed by the Government of India on the strong pressure used upon that body by the Legislative Assembly ?

Mr. Campagnac : The Sea Passengers' tax was vetoed.

102. *Sir Hari Singh Gour* : Thank you. That is the one I was referring to. This was a measure of your Government intended to tax Indians who landed in Burma, but the Governor General refused to give his assent to it and it consequently failed to become law. Now, can you give me any reasons at all why such a discriminating legislation was passed against a body of men who have contributed so largely to the making of modern Burma ?—I would like to premise by saying that I was not on the council. Secondly, if I am correct, there was no mention of any racial discrimination in the Bill. It would have applied equally to Europeans or others entering Burma. It was intended—perhaps Mr. Rafi will tell me if I am right—to secure that those who entered did not escape the payment of taxes. If they paid this tax on sea passengers they were to be exempted from the capitation tax.

103. You may not have been here at the time, but when the Bill was going through the council Indians started a very strong agitation against it and pointed out that it was directed against them, and they opposed it, and they carried their opposition by instructing their representatives in the Legislative Assembly to see that the Bill did not receive the assent of the Governor General, which it did not. Now, is it not a fact that Indians here assimilate much more easily than other nationalities with the Burmese ? If you turn to Part I, page 13,* of your memorandum you will find the following statement.

* Vol. XI.

I think it is from the census report of 1921 that you have extracted this quotation. " While Indian " females form so small a part of the total female " population, the proportion of Indians in the total " population tends to be kept down by the absorption " of their children in the Burmese race. Many " Hindus marry Burmese women, and except in a " minority of cases of wealthy families, the children " are brought up as Burmese and adopt the dress, " manners and customs of the Burmese, so that even " if they are not themselves absorbed into the " Burmese race their children are. This is not so " much the case with Muhammadans, whose children " by Burmese wives are called Zerbadis and are " generally tabulated as such, but, even so, many of " their descendants tend to join the Burmese race." This was written in 1921 and I take it is still correct to-day, that there is assimilation of Indians with the Burmans by marriage. What percentage of Indians become Burmans by assimilation, absorption and permanent domicile in this country ?—I am afraid I cannot answer that question.

104. Without giving any statistics, which I do not expect you to give; from your very large experience of Burma, do you not think that it is an everyday occurrence, Indians marrying Burmese and their children being treated as Burmese? You see examples before your very eyes here ?—Yes.

105. Now, that being the case, I do not see why the Government lent its aid to the cry of Burma for the Burmese as it did in enacting the measures to which I have referred. That is a cry now, is it not ?

The Chairman: I should have thought, Sir Hari Singh Gour, that Mr. Anderson might find it perhaps difficult to deal with this question because I do not imagine he would have been authorised to speak on matters of policy.

106. *Sir Hari Singh Gour*: I wish you to explain this fact mentioned on page 267,* Part III. Is it not a fact that you have stated in the opening sentence on that page that the political progress, the first instalment of Reforms given to Burma owes its incentive to the Indian influence? You will see there this statement: " To understand the genesis " of political parties it is necessary to go back to " the year 1920 when, as a result of Indian influence " and the proposal of the local Government to give " Burma a reformed constitution which was con- " sidered to be less advanced than the constitution " given to India, the political intelligentsia began to " adopt a non-co-operative attitude." You have there pointed out that as a result of Indian influence and the proposal of the local Government the first instalment of Reforms was proposed for Burma ? —No, I think you misread that. I say that the political intelligentsia began to adopt a non-co-operative attitude.

107. You say: " To understand the genesis of " political parties it is necessary to go back to the " year 1920, when as a result of Indian influence " and the proposal of the Local Government to give " Burma a reformed constitution which was con- " sidered . . ." That is to say, in 1920, owing to the Indian influence and the proposal of the local Government it was decided to give Burma a reformed constitution. Then they adopted a certain attitude, because the Reforms did not give them as much as India had got ?—Before 1920 the local Government had been requested to draw up a Constitution, and that the Burmese considered to be inferior, and then, as stated, under Indian influence the Burmese political intelligentsia began to adopt a non-co-operative attitude. I do not consider that it was simply as a result of Indian influence that the Burmese got Reforms. It was quite apart from that.

108. Do you not think that Indian influence generally contributed to the concession of Reforms to Burma, the political agitation in India, the establishment of a political organisation of which Rangoon had a branch and the political education that proceeded alongside of it? Do you not think that that contributed to the grant of Reforms to Burma ?—It starts, I consider, from the Secretary of State's promise in 1917.

109. That itself was influenced, was it not, by the agitation in India ?—Naturally.

110. *The Chairman*: If you do not mind my asking a question, let us suppose it is so: what result follows ?

Sir Hari Singh Gour: The result that follows is this, that India has been educating Burma up to her political rights, and there is a movement in Burma now to jockey out the Indians from the country because they think that if Indians go out the political education of Burma will not proceed as rapidly as it does with the help of the Indians.

111. *The Chairman*: You think that if any particular race or community has helped to develop the political rights of others it gives them a vested right to stay there ?

Sir Hari Singh Gour: No, sir.

112. *The Chairman*: Then what is the argument ?

Sir Hari Singh Gour: The argument has already gone before, namely that Indians are largely responsible for the industrial development of this country. They have settled down here, have assimilated with the people and have become a part of the children of the soil.

113. *Sir Hari Singh Gour*: Now, what will be your view, Mr. Anderson, about the political aptitude of the Burmese as such ? I find from your book some startling facts. One thing I find and which requires explanation is the great prevalence of crime here. Please turn to page 24,* paragraph 47 (Part I, Burma Government memorandum). There it is stated: " On the basis of population the number of murders, " dacoities and robberies in Burma is disproportion- " ately high, and the percentage of prisoners convicted " for theft is three-and-a-half times that of the rest " of India. The number of murders in 1926 was 867 " and in 1927, 825, and it was pointed out in the " annual Police Report for 1927 that whereas the " average annual number of murders in the whole " of England and Scotland is 150, the Tharrawaddy " district with a population of less than half a million " was responsible in 1927 for 85 and the Pegu " district with a population of 446,628 for 54." And then you say: " The principal motives appear to " be sexual passion and jealousy. Drink and " gambling have only been responsible for a small " number of cases." And then there is a very important statement: " Entire lack of self-control " is manifested in the majority." And then you conclude the review in the last line with a very significant passage: " The idolising of an outlaw " who had murdered eight people, two of whom " were women and one a child of three, is significant " of the attitude towards crime of a not inconsider- " able portion of the population." Now, would you kindly explain what deduction you would draw from this as regards the aptitude of the people ? You see that this appalling state of crime in this province is disproportionately large, and there must be some reason for it. I have not been able to find out any reason why there should have been such an amount of crime here. And you must remember that this is not an isolated example. You have drawn a comparison of the average of five years from 1921 to 1925 and carried it on to 1927. That means it is about seven years' review. Can you give any reason why Burma has been singled out for being a very high criminal province compared with the rest of India ?—I give no personal opinions; I have merely quoted the annual Police Reports.

114. But I would like to have your valuable personal opinion on this prevalence of very serious crime here.—My personal opinion is that you cannot put it down to any one motive. It is due to a variety of motives, and partly, as is stated here, due to the " entire lack of self-control," etc. That is taken from the Police Report.

115. *The Chairman*: I thought, Sir Hari Singh, you said something about the statistics being three

* Vol. XI.

times as much as the rest of India. May I have the reference ?

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The Chairman : * * * It is very striking. At page 206* (Part II) we see an extract from the report of the Burma Police Enquiry Committee of 1924, which goes to confirm the view that you, Sir Hari Singh, have taken. It is an interesting account. Look how they have put it in : " (*a*) Burma ex- " cluding the Shan and Karenni States is far the " largest province, being over three times the size " of Assam and over twice as large as Bengal, and " Bihar and Orissa ; (*b*) it has a smaller population " than any other province except Assam, and the " density of its population is one-ninth that of " Bengal and one-sixth that of Bihar and Orissa " and of the United Provinces ; (*c*) cognisable crime " is more prevalent in Burma than in any other " province, and three times more prevalent than in " Bihar and Orissa and in Madras."

116. *Sir Hari Singh Gour* : I understand, Mr. Anderson, that you have been in this country for a very long time and I should like to have your very valuable opinion on the point. Do you think that the Burmese are addicted to crime of this very serious nature which compares very unfavourably with the rest of India, or have they got any special aptitude for crime, or what is the reason for it ?—There are a variety of causes. I would not venture to put it down to any one particular cause.

117. You say then that you would attribute it to a variety of causes. But we have criminals in all parts of the world ; we have crimes in India, in England and in Europe, but unfortunately this is a very signal example of very serious crime being perpetrated for a long series of years. However, I do not press the point. There is one more point. You say at page 337* (Part III) : " The council repre- " sents the views of all but the most extreme section " of the intelligentsia from which opinions have " originated and of the classes of the population " who have adopted or reacted to these opinions. It " is only among the better informed of these classes " that there is any public opinion in a true sense " and it is only on them that the council reacts." And now comes the passage I was referring to : " The mass of the population takes no general " interest in the proceedings of the council, and on " it the council has no general effect, though the " council may be utilised to bring local needs and " grievances to the notice of Government." So that the council is by no means the forum of public opinion in Burma and the people at large take very little interest in the elections ?—I agree that the people at large do take very little interest in the proceedings of the council.

118. If they do not take any interest in the council proceedings, they cannot take any interest in the council itself, or the programme of the council, or the political work done by the members of the council. Is that because there is lack of political sense, or political education, or that the people are a happy-go-lucky sort of people who do not mind who comes and who rules over them so long as they have their paddy and their games ?—In my opinion a great majority of them are not yet really interested in politics.

119. I then take it that they have not yet developed a sufficiently high degree of political sense, or political consciousness ?—In the great majority of cases.

120. *Mr. Hartshorn* : Is not that true of the other parts of India as well ?

Sir Hari Singh Gour : I do not think so. You will get in India in a political meeting ten thousand people together at a very short notice. I do not think you can get ten thousand people here.

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131. *Sir Zulfiqar Ali Khan*: Then, Mr. Anderson, at page 252* (Part III), I see this statement in a little paragraph : " The request of the Arakanese " Mahomedan community for a seat in the council " was made in an address presented to the Education " Minister by the Anjuman-I-Islamia, Akyab, on the " 17th March, 1927. No action was taken on the " request." May I know why no action was taken by the minister on this request ?—The petition was presented to him, but he took no action, perhaps for official reasons. I do not know the reason.

132. But you know that the Muhammadan community form a large proportion of the population in Arakan ?—Yes.

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RANGOON.

Dated, 1st February, 1929.

Morning.

PRESENT :

ALL THE MEMBERS OF THE COMMISSION (EXCEPT SIR JOHN SIMON, DURING THE EXAMINATION OF MESSRS. WATSON AND MORRIS, WHEN LORD BURNHAM PRESIDED), OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND, SARDAR SHIVDEV SINGH UBEROI AND DR. SUHRAWARDY), AND OF THE BURMA PROVINCIAL COMMITTEE.

(At the afternoon session, only MR. KIKABHAI PREMCHAND was absent).

Mr. H. W. A. WATSON, I.F.S., Chief Conservator of Forests, Burma, and Mr. A. R. MORRIS, I.C.S., Secretary to the Government of Burma, Forest Department.

1. *The Chairman* (*Lord Burnham*) : I think, Mr. Watson, you are a member of the Indian Forest Service, and Chief Conservator of Forests for the province of Burma ?—(*Mr. Watson*) : That is so.

2. And I see that you have in all served 31 years in this province ?—Yes.

3. And you, Mr. Morris, are a member of the Indian Civil Service, and Secretary to Government in the Forest Department ?—(*Mr. Morris*) : Yes.

4. We have the advantage, in Part II of the memoranda of the Government of Burma,* of having a separate compartment for the forests, and it is A.1, the very beginning of this section. I suppose you are responsible for that ?—(*Mr. Watson*) : No, it was written by a member of the Indian Civil Service.

5. On your reports ?—On information supplied by me, yes.

6. Still, you can answer questions arising out of that memorandum ?—Yes.

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7. *Lord Strathcona* : Just before we come to the reference you mentioned, sir, in the Annexure to

* Vol. XI.

Part II, there are two other references to forests in our books, and I should rather like to ask one question about each and get rid of them. First of all, in Part I, Introductory, on page 18*, paragraph 37, there is a little general description about the forests, and I want to ask Mr. Watson if he can tell us the precise difference between reserved forests and unclassed forests, which are referred to in the first sentence of this paragraph ?—Reserved forests are forests permanently set aside as forests. Unclassed forests are land at the disposal of Government, the future of which is undecided. They vary between waste land and land which may eventually be turned into reserved forests as development proceeds.

8. On the question of revenue, before we come to the Annexure in Part II, there is one reference to forests in the portion of the Burma Government's book dealing with the Meston Report, and I would rather like to ask you about that. It is a statement on page 539,* paragraph 27, of Part VI, about the Meston Report, and it says at the end of the paragraph : " Forest revenue, far more important in " Burma than elsewhere, has shown a remarkable " increase owing to the rise in the price of timber " and increased extraction. But girdlings have " already passed the peak and a decrease of extraction " accompanied by a fall of revenue is to all appear- " ance imminent." We see elsewhere in the book how remarkable is this increase in revenue, or has been in the past, and I wish you could explain rather more fully what this statement refers to when it appears to indicate a likely fall in revenue in the future ? —Girdlings refer to teak. Teak trees are girdled three years before they are felled, in order that the timber may season sufficiently to float. Over 70 per cent. of our revenue is derived from teak. Teak timber takes about six years to come out after the year of girdling. It stands three years in the forests, and it takes roughly three years to take it from stump to revenue station. That is six years from the time of girdling. The teak forests contained otiginally large quantities of over-mature, deteriorating stock, which it was financially sound to remove. Further, the area has been curtailed owing to development and the incidence of cultivation. On the statistics available it is now apparent that girdling has to be curtailed in the interests of a sustained yield.

9. But you do not think the loss in revenue in the future is likely to be at all serious ?—The curtailment of girdling on our present calculations may run to 40 per cent. as compared with the averages of the past five years.

10. *Sir Hari Singh Gour* : What was the average in the last five years ?—The average of the last five years of teak out-turn has been in the neighbourhood of 500,000 tons.

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11. *Lord Strathcona* : Then, when we turn to page 58,* we see the great thing to which attention is drawn in this book, Part II, is the inadequacy of the staff. At the top of page* 58 we see : " The " main problem throughout the period under review " has, as already indicated, been inadequacy of staff." Would you tell us, quite briefly and shortly, what the reasons for that inadequacy are, as far as you can see ?—First of all, depletion during the war. I think that is stated here. (*Mr. Morris*) : No recruitment from 1916 to 1919. (*Mr. Watson*) : That is so ; and the fact that the change in the conditions of the service owing to the transfer has held up recruitment. Those are the two main causes.

12. Then lower down the same page we see various references to what we usually call Indianisation, which seem to imply that there has been some difficulty and rather slow progress in the recruitment of Burmans to the old Burman Provincial Forest Service. Could you tell us if that is the case, if Indianisation or Burmanisation has proceeded rather slowly, and if so, why ?—The Indian Forest Service was always open to Burmans. The only difficulty, of course, was that recruitment was in England.

13. *Sir Arthur Froom* : That is the All-India Service ?—Yes. As regards the new Service, we were only in a position to start recruitment in 1927.

14. *Lord Strathcona* : There is a suggestion in this paragraph, which is exactly the same as what we heard in India, that the educated Burman does not seem to have a liking for forest life. Would you say that that was the case in Burma ?—It has been my experience, judging by the response to advertisements for recruitment. This year we advertised for three recruits to train in England for the new Class I Service. There were only five qualified candidates, of whom two were Indians, one was a Burman, and two were half Burmans, half Chinese. Five men applied for the three vacancies advertised.

15. *Mr. Cadogan* : Did you stipulate that they must have their training in Europe ?—Yes, they were to be trained in Europe, and Government was subsidising that training. The subsidy was £360 a year for two years' training.

16. *Lord Strathcona* : This same paragraph refers to the difficulty, apparently, of getting Burmese officers first of all to go to Dehra Dun or to Rangoon University for these courses, and I rather thought of asking whether you could tell us actually how many officers of the service have graduated through Dehra Dun or Rangoon University special courses ?—The All-India Forest Service was never trained at Dehra Dun.

17. No, it is the provincial service ?—The old provincial service.

18. I only wondered whether, as a matter of fact, you had succeeded in getting any officers from Dehra Dun or Rangoon University in Burma ?—We ceased training at Dehra Dun in 1923, when the course was transferred to Rangoon University. The present position of the cadre is that out of 87, 37 were trained at Dehra Dun. The last man from Dehra Dun joined the department in March, 1925. This refers to the provincial (now Class II) service.

19. You do not know the actual number from Rangoon ?—Trained in Dehra Dun, 37.

20. *Colonel Lane-Fox* : Then do you say you are not sending any men to Dehra Dun now ?—No, we train our provincial service entirely at Rangoon University.

21. But, of course, it is all a provincial service now, is it not ?—The arrangement for the higher provincial service is that it should be trained in England. (*Mr. Morris*) : We have two classes of the provincial service now ; one is Class I, which is to replace the Indian Forest Service, and Class II corresponds to the old provincial service.

22. *Lord Strathcona* : Turning to the end of the book, on page 64*, on the question of transfer, the last paragraph, I gather that the Burma Government are satisfied with the progress made since transfer, except in so far as the change in the status of the superior service may prevent recruitment of officers. Is that your opinion, more or less, and have you any anxieties as to the future of this service ?—(*Mr. Watson*) : I have every anxiety.

23. First of all, are you satisfied that there has been considerable and satisfactory progress under transfer ?—I think it is quite impossible to answer that question in less than 25 years' experience of transfer.

24. But it does say here in the book : " The " transfer has not resulted in any obvious increase " of democratic support outside the council. But " inside the council a change of attitude has been " brought about as already explained," and so forth. In any case, there has been no falling off as a result of transfer ?—There has been no change of policy ; our main trouble has been lack of recruits, lack of man-power.

* Vol. XI.

25. But as far as the future is concerned, are you satisfied that the new conditions of service will give you the class of European recruits that you want?—I certainly am not, because there is no guarantee of security of tenure, and until that is guaranteed I cannot see that recruitment of Europeans will be assured.

26. Would you give us a little more definite information on the point of security of tenure? What is the exact difficulty now?—There is no security in a voted service; there is no security against a vote of the council being passed to the effect that they will not vote the pay of the European members of the department.

27. *The Chairman*: In that case, of course, it could be certified by the Governor?—I think not, in the case of a transferred subject.

Sir Hari Singh Gour: Not in the case of a transferred subject.

The Chairman: But if it were essential to the province.

28. *Lord Strathcona*: I suppose the real difficulty is that they have lost the security of the Secretary of State being behind them; that is the real point, is it not?—Yes.

29. *The Chairman*: Perhaps we can better realise the extent and importance of this service in this province by turning to page 449* of Part VI of the Burma memoranda. The figures are set forth as the principal sources of provincial revenue—and there are three years, 1926 to 1928—in lakhs of rupees. The Forest revenue was 217, 208 and 206 out of a total of 945, 944, and 958 lakhs; that is to say, it was more than a fifth of the total revenue of the province. Then on page 60* of Part II you get all the grades of officers together with their numbers, which I need not go through; but the number, of course, in the subordinate services is very considerable. Then I see that in Part VI, on page 525*, at the bottom of the page, under paragraph 11, is set out a comparative table of the salaries in Burma, and all India, showing that the cost of establishment in Burma in regard to forests greatly exceeds the All-India costs. In rupees per month in forests the average provincial officer was 459 in Burma as against 406 in all-India, subordinate officers 30 in Burma as against 17 in all-India, clerks 65 in Burma as against 46 in all-India, and servants 12 in Burma as against 8 in all-India. The conclusions that emerge, therefore, are that the Forest department is of very much greater relative importance in this province than in any other province in India from the point of view of revenue; that the number of officers in the department is greatly in excess of what is to be found in any other province, and that the rate of pay is something like 20 per cent. higher, I think, than in the rest of India?—To the best of my belief the pay of the All-India service is the same as in the rest of India, except as regards the Burma allowance.

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33. *U Aung Thin*: Can you tell me why effect has not yet been given to the recommendations in the report of the Lee Commission as regards the Forest department?—That has nothing whatever to do with me; it is the concern of the Burma Government.

34. Are you aware that in that report recommendations were made about the formation of a Class I provincial service in the Forest department?—(*Mr. Morris*): I have not a copy of the report with me.

The Chairman: Of course, it applies equally to the whole of India and not specially to Burma.

35. *U Aung Thin*: Quite so.—Rules for the new Burma service have been framed and passed by Government, and the new service is now in course of recruitment.

36. My point is as to why such a long time has been taken over this matter. Effect was given at once to the recommendations about higher pay and allowances for the services, but you have kept the vacancies in the Forest department unfilled?—The vacancies in the Forest department are kept unfilled under the orders of the Secretary of State. With regard to the formation of a new Forest service, I think I am right in saying the Burma Government is the first Government to frame rules for any transferred department since the report of the Lee Commission was issued.

37. *The Chairman*: I have the rules here; they are dated 7th July, 1928, and apply to the Forest department in this province?—Yes. I think I am right in saying they are the first rules for any transferred department replacing an All-India service.

38. *The Chairman*: I understand the Lee report says that where Forests are reserved (which is not the case here) the recruitment is to be 75-25 Indian to European, but where they are transferred future recruitment is in the hands of the Government of the province.

U Aung Thin: Forests have been transferred here.

39. *The Chairman*: Yes, and therefore future recruitment is in the hands of the Government. It is dealt with in paragraph 15 on page 8 of the report of the Lee Commission: "We are accordingly of "opinion that, for the purposes of local Governments, no further recruitment should be made for "the Indian Education Service, the Indian Agricultural Service, and the Indian Veterinary Service, "as at present constituted; for the Indian Forest "Service in Bombay and Burma. . . . The personnel "required for these branches of administration "should in future be recruited and appointed by "local Governments." That is quite clear, and these are the rules made for this purpose?—Yes.

40. *U Aung Thin*: You said you feared the recruitment of Englishmen for this department might not be forthcoming, that they might not come forward in sufficient numbers because they would not be sure about their tenure of office. Does your experience during this period support that fear?—(*Mr. Watson*): We can get recruits at present, but if any doubt arises as to their security you certainly will not get them.

41. I asked whether that fear was in any way substantiated by your own experience?—I had no experience on the subject.—(*Mr. Morris*): The local Government, pending the formation of these rules, endeavoured two years ago to recruit in England five officers on a temporary contract, on the understanding that when these new rules were passed they would be brought into the new service. Although we attempted to recruit five officers, we obtained only one.

42. *Mr. Hartshorn*: That was on a short-term contract?—Yes.

43. *Colonel Lane-Fox*: That was all you could offer them?—Yes, but with the promise of a permanent appointment when the rules were framed. That was definitely stated in the advertisement which the High Commissioner issued.

44. *Mr. Rafi*: What was the term?—Five years.

45. *U Aung Thin*: You say there is a risk of the teak supply going down very much. Did you not foresee there would be a reduction in the supply of teak, and what steps did you take to protect the teak supply of the province?—(*Mr. Watson*): The teak supply of the province is protected to the best of our ability by enumerations extending over 25 per cent. at least of the actual area, and calculations based on those enumerations. If it was not for these enumerations and calculations I should not be in a position to say anything about the future.

46. Nearly all the teak licences are at present in the hands of Europeans?—Approximately 75 per cent. of the teak out-turn is extracted by five European firms.

47. Why is so large a percentage in the hands of Europeans?—That is a matter for the Burma Government to answer. I am only an executive

* Vol. XI.

officer. (*Mr. Morris*) : I think I may say the reason why the extraction of teak on a large scale is in the hands of Europeans is that the extraction requires a trained staff and a large amount of capital, and to allow any firm to train a staff (which is an expensive process) it must have a considerable area of forest and must have security for a number of years—a lease for a number of years—so as to know it will have the possibility of an income to repay the expenses of training a staff and laying out capital in elephants and materials generally. The policy of the Government for many years has been to earmark certain areas, the more accessible areas for Burmans, for small traders, that is. The less accessible areas, where the expenditure of capital is still more necessary, have been leased to European firms, because there are no large non-European firms engaged in teak, which is the principal wood.

48. So the first condition for receiving a teak license is the possession of big capital ?—Yes.

49. That is the first consideration ?—I should say so, yes.—(*Mr. Watson*) : Without capital it is quite impossible to extract teak, and above all to market it. If you study the position in Siam you will find that as soon as the firms got in, all the smaller agencies handed their work over to the firms. It requires very great experience to market teak. It is not marketed in Burma.

50. So under present conditions it is next to impossible for the Burmans to take advantage of the teak forests in their own country ; they cannot get any benefit out of the teak, though it is one of the main economic resources of their country ?—(*Mr. Morris*) : I do not think you can say that, because the Burmans do derive very considerable benefit. The staff employed by these firms is very largely Burman, and these firms expend a very large amount of money in the province.

51. *The Chairman* : I suppose the profit to Burma is exactly like that to any country which sells a raw material for use in productive industry ; and that is the case with teak, is it not. The profit would be to the country, though it might not come to the Burmans as capitalists. It is foreign capital, I understand, and therefore the return on capital may go outside the country, but the employment of labour and all the concomitant elements of profit come to Burma.

U Aung Thin : My point is that in those circumstances the profit accruing to the country out of labour would be infinitely small, proportionately.

The Chairman : But there is also transport and everything connected with it. I am not arguing it, of course.

52. *Mr. Campagnac* : Formerly, I think you told us, the men in the provincial service were all trained at Dehra Dun ?—(*Mr. Watson*) : When I say " all," of course you must remember a number were promoted from the subordinate ranks. Two-thirds are by direct recruitment.

53. The training at Dehra Dun was quite good, was not it ?—Very good, yes.

54. Some men who were trained at Dehra Dun held charge of major divisions during the war ?—Yes.

55. And they did so successfully ?—Some of them, yes.

56. Very few Burmans went to Dehra Dun ; most of the men trained there were Anglo-Indians ?—Yes.

57. We have the report of the Lee Commission here. That report was dated March 27th, 1924, and it recommended that all its decisions should take effect from 1924-25. On December 9th, 1924, the Secretary of State sanctioned increased pay, allowances and pensions for men in the Imperial service with effect from April 1st, 1924. Are you aware of that ?—I assume you are correct. I may mention that the matters with which you are dealing have nothing to do with me ; they concern the Burma Government.

58. Then I will address myself to Mr. Morris. That is so, is not it, Mr. Morris ?—(*Mr. Morris*) : I think so.

The Chairman : Yes.

59. *Mr. Campagnac* : At the same time all further appointments to the Imperial service in transferred departments were stopped by the Secretary of State from April 1st, 1924 ?—No, from 1926. There were promotions to the Forest service until 1926.

60. They were stopped when ?—With effect from 1927.

61. From the date the recommendations of the Lee Commission were approved by the Secretary of State ?—There have been no promotions to the Imperial Forest Service since 1927. Until then they were made when vacancies occurred.

62. On the 9th March, 1926, the Secretary of State issued the Civil Service Delegation Rules ?—Yes.

63. And from that time it was open to the Burma Government to constitute the new Forest Services ?—Yes.

64. But they have only, up to now, published the Rules ; they have not gone any further than publishing the rules ?—Well, it is not quite correct to say that.

65. What more have they done ?—We have written to the Government of India asking its sanction to appoint three members of the Burma Forest Service, that is the old Burma Forest Service, to this new service. We have not yet obtained the sanction of the Government of India, which is necessary under the Delegation Rules.

66. And have you asked that the men who were appointed shall get pay and allowances with retrospective effect, as recommended by the Lee Commission ?—In what respect ?

67. The recommendation of the Lee Commission was that their decision should be given effect to retrospectively from the financial year 1924-25, and in the case of the men in the Imperial service, I have it from you, that has been done ; and I want to know why any distinction should be made between the men in the provincial services and the men in the old Imperial services ?—No distinction was made in persons appointed to the old Imperial service. The new provincial service, not being contituted before 1927, cannot give pay before the service was constituted, but if you will read Rule 23 of the new Service Rules you will see that the local Government has taken steps to prevent delay in bringing out these rules from being prejudicial to the officers who would be appointed to that service.

68. But the delay in issuing the rules was not the fault of the provincial service ?—Certainly not.

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69. *Mr. Campagnac* : I was just trying to bring to your notice the delay there had been in giving effect to the recommendations of the Lee Commission, and also that a distinction had been made between the men in the Imperial service and in the provincial service.—I should like to have it on record that I think the Burma Government is in the forefront in this respect. Perhaps Mr. Bhore could put me right if I am wrong. I do not think that any transferred department, Education or any other, has had its service constituted in any province prior to Burma ; and, as I say, in Rule 23 we made provision for recruiting officers at such a stage in the scale of pay as will recompense them for any loss they may have sustained by the delay in their promotion.

70. *U Ba U* : Has Mr. Watson been in the legislative council all the time, or not all the time, since its existence ?—(*Mr. Watson*) : With the exception of one year, roughly, I have been since 1925.

71. Have you had any experience of the council interfering with your internal administration ?—There has been no actual case of interference that has passed the council. Pages 62-63* of the Burma Government memorandum, Part II, gives instances of attempted interference.

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* Vol. XI.

82. *Sir Arthur Froom*: Only one precise question, and that is arising out of a question put to you by Mr. Campagnac. I think he referred to your subordinate officers, when some of them were trained at Dehra Dun, being mainly Anglo-Indians?—Yes.

83. Under the new rules, are the Anglo-Indians being squeezed out in any way?—No.

84. I do not mean to suggest that the rules would be framed to squeeze them out, but is that the effect of the rules?—No, it is a matter of qualification. If they are equally qualified the Anglo-Indians and Burmans have an equal chance. They must have a certain degree.

85. We have not been supplied with a copy of the rules, but for Class II they would have to qualify, and then are they nominated?—(*Mr. Watson*): There is a selection board for both services.

86. Take the Class II. There is a selection board to select candidates for the services who have qualified after an examination, I take it?—For the Class II service they are required to graduate at Rangoon university, and are nominated. They have to pass a test in mathematics and English. (*Mr. Morris*): The initial qualification is that they must have passed the Intermediate Arts or the Intermediate Science.

87. After the qualification, is there any rule as to who should be selected, or is it left to a selection board?—It is left to a selection board entirely.

88. It is not laid down that so many people of a certain community should be selected?—No.

89. So that the members of various communities or various races, Burmans, Indians, Anglo-Indians, so long as they are qualified, all stand an equal chance of being selected for the provincial service Class II?—That is so.

90. *Colonel Lane-Fox*: They must be domiciled in Burma?—That is true.

91. *Sir Arthur Froom*: So supposing there were any complaints from Anglo-Indians that they had been squeezed out, they are not entirely justified; if they like to qualify they can, is that so?—That is so.

92. *Raja Nawab Ali Khan*: Mr. Morris, am I right in saying that your soft woods were of only little value before the match industry started?—I think you could say that.—(*Mr. Watson*): Soft woods in Burma are almost non-existent; we have practically nothing but hard woods, and that is our trouble. We get a certain amount; they are very scarce and scattered in the forests, and they had a negligible value until the match industry started.

93. I understand there are some factories also in Burma?—Yes.

94. And where do they get their soft wood?—As a matter of fact they get a certain amount from the Andamans. There has always been trouble over soft woods.

95. Could you give us an idea of the revenue that you draw from your soft woods?—No, I could not.

96. Is the revenue considerable, or is it small?—Teak is the main revenue-producing wood. It gives 71 per cent. of our gross revenue. The other species are more or less classed together.

97. *Sir Hari Singh Gour*: Will you please refer to page 64.* The last sentence reads thus: "No "difficulty in the relations between the ministry "and the services has been brought to notice. On "the contrary, relations have been marked by a "mutual desire for understanding and co-operation." Does this refer to the whole period during which the forest service has been in charge of a minister?—I should say so, yes.

98. The transfer of the forests to ministerial responsibility in Burma has therefore been a success?—I must say it is quite impossible for anybody to give an opinion on that in, I should say, less than fifty years.

99. But the experience of the past, focussed in these two sentences, shows that there has been a mutual co-operation and understanding between the department and the minister, and therefore, so far as the experience of the ministry is gained, that has been satisfactory?—Yes.

100. Will you kindly turn to Part I, paragraph 37, page 18.* There is a sentence which I should like you to explain, if you can: "The accessible areas of "these unclassed forests have largely been depleted "of useful growth." Why have they been allowed to be depleted of useful growth?—Because the Forest department has never had any proper control of unclassed forests. We only have a proper control of reserved forests.

101. Have you got anything like a forest policy? Have you got, for instance, working plans of the forests?—Yes, but we are only in a position to make working plans for reserved forests, namely, areas that have been permanently set aside as forests.

102. You see, your reserved forest is very small compared to the unclassed forest; it is 28,000 square miles as compared with 117,000, and consequently the area of unclassed forest is about five times as large as the area of reserved forest?—Yes.

103. If you allow your forests to be depleted of useful growth it means a very serious loss to the province: is not that so?—Certainly; but Government has not given the Forest department control of anything but reserved forests. The unclassed forests are largely on land in process of development and settlement.

104. Perhaps Mr. Morris can explain how it is?—(*Mr. Morris*): I think perhaps some of the members do not realise that unclassed forests are identical with public forest land, and public forest land, as defined in the Forest Act, includes all lands at the disposal of Government. Some of it may be cultivated and therefore does not include valuable forest. The larger part of the unclassed forests are not valuable forests, and are forests which in the opinion of the Forest department would not pay the expense of reserving. Another thing which makes it impossible to reserve even all the valuable forest is the opposition of the people. I doubt very much whether the representatives of the people of Burma in the council would view with any satisfaction a policy of Government of wide reservation, because in reserved forest the rights of the people are very much restricted, and there is general opposition to reservation.

105. You say you do not think the local council would support the policy of Government, but the point I am making is that you have no policy at all. You have formulated no policy so far?—The policy is to administer the forests in the interests of the people of the province.

106. You have no working plans?—(*Mr. Watson*): Excuse me; I think you will find it in the memorandum.

The Chairman: Yes. The change of policy following more or less on the Reforms is given at page 58,* Part II.

107. *Sir Hari Singh Gour*: That is with regard to reserved forests.

The Chairman: Yes.

108. *Sir Hari Singh Gour*: I am not dealing with reserved forests at present, but with the very large area of the unclassed forests, and my point is there is a statement here that they have been largely depleted of useful growth. I have not yet been able to understand why the Government permitted this very large area to be depleted of useful growth?—As a matter of fact, a very large proportion of that area has been depleted of useful growth for centuries.

109. I do not think this is a record of ancient history?—No, of the present position of the forests.

110. *Colonel Lane-Fox*: Can you tell us what is the process of reservation? Does the Government take over an unclassed area?—The process of reservation is that first of all the Forest department, after examination, proposes a certain area

* Vol. XI.

should be reserved forest. It is then notified to all the people in the neighbourhood, and settlement is carried out by an officer of the Revenue department, assisted by an officer of the Forest department. The process of settling fixes the boundary finally and fixes the rights of user in that forest.

111. *Sir Hari Singh Gour*: You spoke of five applications for three vacancies which you advertised ?—Yes. The selection was made by a board, of which I am not a member.

112. Can you give the result of the selection ?—Two were selected.

113. There were three vacancies and two were selected ?—Yes.

114. Who were those two ?—One was a Burman and one was half Burman and half Chinese.

115. Have they been sent to Europe ?—They were sent to Europe.

116. Have they come back ?—The selection took place only last June.

117. Do such vacancies occur every year ?—Yes, there must be vacancies.

118. And you advertise for the filling of these vacancies every year ?—Yes, we shall now. We started the new Service only recently. I think we have advertised again this year.—(*Mr. Morris*): Yes.

119. You say on page 59* that the Burmans have not shown great aptitude for a forest life. On page 26 you say: " The local supply of recruits was " poor in numbers and quality, and the educated " Burman did not appear to have sufficient liking for " a forest life " ?—Yes.

The Chairman: We have dealt with this.

120. *Sir Hari Singh Gour*: Have you any experience of Indians having shown a liking for forest life here ?—(*Mr. Watson*): No. In Burma we have no Indians.

121. *Sir Zulfiqar Ali Khan*: I understand there is a large trade in teak and other timbers between Burma and India ?—Yes. Roughly 78 per cent. of the teak exports go to India. The export figures for 1926–27 show that 183,000 tons went to India, 34,700 tons to Europe, and 17,500 tons elsewhere. Those are taken from the customs returns.

122. Is the trade with India a growing trade ?—It has certainly grown up in the last seventy years from nothing to the figure I mention.

123. Is it likely to increase in the future ?—It is impossible to say.

124. But the tendency is towards growth, is not it ?—It is impossible for me to say; it is not carried out by Government.

125. My friend Sir Hari Singh Gour asked about the ineptitude of Burmans to take to forest service, and in reply you said they were not willing to enter the service ?—I did not say anything about ineptitude. I said they did not like the hard, outdoor, isolated life. That is the main thing. They prefer occupations without these.

126. *Sir Hari Singh Gour*: Drawbacks ?—Yes, as they regard them.

127. *Sir Zulfiqar Ali Khan*: I understand you send some students for training to Europe, do not you ?—We sent two students last year.

128. Who are they ?—One was a Burman, and one half Burman and half Chinese.

129. *The Chairman*: He has just said that.—They were chosen by the selection board.

130. *Sir Zulfiqar Ali Khan*: You did not send any Indians ?—No.

131. Why ?—We have no Indians in the Forest department, and I very much doubt if the conditions of life would suit them. They have to be entirely isolated for long periods in the year, and deal with jungle people miles from anywhere.

132. Is this your idea or your experience ?—I can have no experience, having had none in the department.

133. *Rao Bahadur Rajah*: What about the Anglo-Indians ? Have you Anglo-Indians in the service ?—Yes.

134. How do they get on in the Forest service here ? —Some of them do very well.

135. *Sir Hari Singh Gour*: Do they pick up Burmese ?—Yes.

136. *Sir Zulfiqar Ali Khan*: If the timber trade with India were injured, Burma would suffer material loss ?—Certainly it would.

137. *The Chairman*: You have just handed us in the new rules for the Forest service in this province, which are now under the consideration of the Government of India. In the future, recruitment to and promotion in the service will be entirely in the hands of the Government of Burma, it being a transferred subject. Do you think that in order to maintain the efficiency of the service it is sufficient to adhere to the rules suggested in the Lee report, and have 25 per cent. Europeans and 75 per cent. Indians as the ultimate standard ?—We have no such rule. The rules in the report of the Lee Commission do not apply to Burma.

138. I know, but I was asking whether you thought the three-quarters rule was a good one ?—We have no rule to that effect.

139. Do you wish to give any opinion as to the proportion of Europeans and Burmans desirable in the Forest department ?—I think it is essential for efficiency that there should be a high proportion of Europeans. Personally, I think at present and for the next few years there should be 75 per cent. Europeans.

140. That is your opinion. The other point I wish to mention is this. I interrupted earlier in regard to the Governor's powers of certifying expenditure in a transferred department. On referring to the Government of India Act (which, not being a constitutional lawyer, I do with extreme diffidence) I find that section 72D (2) (b) reads as follows: " the Governor shall have power in cases of emer- " gency to authorise such expenditure as may be in " his opinion necessary for the safety or tranquillity " of the province, or for the carrying on of any " department." You suggested the stability of the Forest service was under suspicion because the vote might be refused by the legislative council, and I asked in that case if the Governor would not certify it. It has been suggested to me that in all probability, following precedent, he would have to dismiss the minister before taking such action as was necessary in taking over powers; but it seems to me to come to the same thing, because I cannot conceive it would be possible to refuse a supply for the Forest department in Burma, where it contributes nearly a quarter of the whole revenue of the province. Do you agree to that ?—Yes, but it may be that if this question of security of tenure is taken seriously by possible recruits we shall not get them, and it is a question on which I think there should be an authoritative statement.

141. By whom ?—By whoever is competent to give it.

142. Are you thinking of this Commission ?—I simply raise it here as, to my mind, the most serious difficulty ahead of us.

* A recruit requires safeguards :—
  (1) that he will receive the pay promised him;
  (2) that his prospects will be safeguarded;
  (3) that his pension rights will be safeguarded.

143. *Mr. Campagnac*: Would not it be possible to get over this by getting recruits to enter into long-term contracts, say for fifteen or twenty years ? Would not Government be prepared to consider that ?—There is also the question of safeguarding prospects and pensions. I am not competent to give an opinion as to how it should be done.

The Chairman: We are very much obliged to you.

* Vol. XI.

1 *February*, 1929.] Mr. A. E. GILLIAT, C.I.E., I.C.S., and The Honble. Mr. S. A. SMYTH, C.S.I., I.C.S.

Mr. A. E. GILLIAT, C.I.E., I.C.S., Finance Secretary, Government of Burma, and The Honble. Mr. S. A. SMYTH, C.S.I., I.C.S., Finance Member, Government of Burma.

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The Chairman: Mr. Smyth, let us begin with this. As we realise, Burma did not become a Governor's Province under the Montford scheme, under the Government of India Act, at the same time as the other eight provinces; in fact, it only became a province under the scheme with effect on, I think, 2nd January, 1923?—(*Mr. Smyth*): Yes.

145. Did the Meston Report, and what is called the Meston Settlement, apply to Burma at the same time that it was applied to other provinces?—It came into effect in Burma from the 1st April, 1921.

146. That is the same date?—Yes.

147. So the position is, if one looks at the Report of the Meston Committee, it dealt for this purpose with Burma at the same time and in the same scheme as with the other provinces?—Yes.

148. To take that part quite briefly, I think under the Meston scheme the contribution which Burma was to make to central revenues by way of adjustment was 64 lakhs?—Yes.

149. The position, I think, is that Burma has made that contribution over a series of years, and then I think there was a year when it was reduced to 50 lakhs, and now, as we know, provincial contributions have ceased?—Yes.

150. Of course, we all know the kind of calculation which is contained in the Meston Report, by which they arrived at what was called the increased spending power of each province, and I think they arrived, did they not, in the case of the province of Burma, at a very substantial figure of increased spending power?—Yes, a figure of 246 lakhs a year.

151. And it was out of that, I suppose, that they took the 64?—Yes.

152. And no doubt the reason why they took a comparatively small portion of it was that they realised that in any event Burma was faced with the necessity of increased expenditure?—Yes.

153. And it was so?—It was so. I might mention that that 182 lakhs contains 36 lakhs, which was the Imperial portion of the *thathameda* and capitation taxes, which the local government thought ought to be classed as local revenue, and not as provincial revenue.

154. I think that makes it necessary to have a word or two about what the financial system in Burma was before the Meston arrangement that has been carried on since, because it seems to me to be very peculiar. Would it be correct to say that the tax system of Burma was very special to Burma, and was unlike the general tax system of India, and that land tax, just the regular incident of Indian taxation, in Burma has been rather superimposed upon the indigenous Burma system since Burma became part of India?—The taxation in Burma was for the most part on a parallel system to the taxation in the rest of India. *Thathameda* and capitation taxes are an exception.

155. Then what I was saying would be right if it was understood to refer to the capitation tax, and to this other tax which is called the *thathameda*?—Yes.

156. Let us see what it was. In Lower Burma is the principal tax still capitation tax?—Land revenue is the principal tax in Lower Burma. The capitation tax produces something like 60 lakhs a year, 55 to 60 lakhs.

157. What is the capitation tax?—It is levied at the general rate of Rs. 2-8-0 on an unmarried man, and Rs. 5 on a married man. It is a poll tax.

158. *Sir Hari Singh Gour*: It should have been the other way about!—Perhaps in India. In Burma, a Burmese lady is an asset.

159. *The Chairman*: That is not by any means peculiar to Burma, let me assure you! However, I agree it is rather curious, because I remember it was said, when we first introduced into England the idea of certain abatements in the case of the income-tax payer who was married, that this was an effort to tax bachelors into matrimony. Anyhow, that is what it is?—That is not required in Burma.

160. In addition to the capitation tax, there was also a tax, was there not, or used to be, on cultivators, I think originally according to the number of ploughs, or something of that kind, which has developed into more or less a standard land tax, has it not?—That was the indigenous system of land revenue, but on British occupation it was displaced by the system which had prevailed in the rest of India.

161. Then as things are in Lower Burma you have got both the land tax and the capitation tax?—Yes.

162. Now about Upper Burma. Down to the annexation of Upper Burma, was there any system of land taxation at all?—Yes, on royal lands there was land taxation.

163. Crown tenants?—Lands were classified into royal lands (or State lands) and non-State lands. State lands had to pay a State land rent to the state. Non-State lands generally had not to pay a rent, though in some cases they had to pay.

164. Then was it in Upper Burma that you had this tax with a curious name, *thathameda*?—Yes; not in Lower Burma. *Thathameda* was a tax payable by householders at a rate which was fixed for the village, generally at Rs. 10 per household.

165. That is to say, you multiply the number of households by Rs. 10, and that gives the amount the village should produce?—Yes.

166. Then was that distributed internally?—That was distributed internally by the village assessors.

167. That is what you call your *thathameda*?—When the Indian land revenue system was introduced in Upper Burma, to places where *thathameda* had been only tax before, the *thathameda* was reduced on account of the imposition of the land tax to make it represent a tax on non-agricultural income.

168. Those are perhaps historical matters, though they are not without their importance. Now we had better see what the principal provincial sources of revenue are. There will be, as you told us, land revenue, with periodic re-assessment, I suppose?—Yes. Land revenue is revised at settlement. The normal period of settlement in Burma is 20 years, so that normally once in 20 years the land revenue of a district is revised.

169. And it is an assessment of the net produce?—Yes.

170. Rather like Madras?—Yes, very similar to the *ryotwari* areas in Madras.

171. Then the other head you mention, capitation taxes and *thathameda*?—Yes.

172. Now we come to an important one; what about royalties?—They are included as Miscellaneous Land Revenues which includes royalties on minerals.

173. You have got a substantial amount, I see, derived from royalties on oil?—Yes, in the neighbourhood of 30 to 35 lakhs a year.

174. But you do not seem to raise very much money on royalties on other minerals?—No.

175. About how much?—About 5 lakhs, I think. (*Mr. Gilliat*): About 4 lakhs of this is on tin and other allied metals.

176. Still, Burma is very rich in minerals?—(*Mr. Smyth*): Yes, minerals are widely distributed in Burma, but there seems to be some difficulty in finding them in paying quantities.

177. Excise?—Excise, yes, about 130 lakhs a year, 120 to 130 lakhs a year we can reckon on in excise.

178. Stamps?—Stamps about 70 lakhs a year, or perhaps a little less.

179. Forests is a big item?—Yes. In recent years we used to be able to reckon on two crores, and above, but there is a tendency now for forest revenue to diminish.

180. *The Chairman*: I do not know whether it would help the Conference to take these figures down. I have had taken out for me a statement showing the income from the principal sources of revenue in the province for the year 1926–27. You could in fact pick it out from the Government document, but it is in several places, and I think as I have the figures here they are really more convenient. I will read them out. The year, as I have said, is 1926–27, and I am ruling out any question of contribution to the Central Government, which has now ceased. I will put it under heads. (*a*) Land Revenue proper, 326 lakhs; (*b*) Capitation and *thathameda* taxes, 105 lakhs; and (*c*) Fisheries, royalties, etc., 92 lakhs. Therefore, in the broadest sense, including capitation tax, fisheries and royalties, you may say total land revenue 523. Then taking a second head, Irrigation, I think the net figure is something like 24 lakhs.

The Witness: Yes.

181. *The Chairman*: Just tell me this, as we go. I have not quite finished my list. Do you in Burma charge for water as distinguished from getting an increased land revenue because the land is wet, or is the irrigation merely, as far as revenue goes, having the effect of increasing the land revenue?—It is a consolidated rate, but it is taken at a higher pitch on the net produce than ordinary land revenue, in order to take account of the fact that the State has provided special facilities in the supply of water.

182. Anyhow, the figure is 24 lakhs net?—Yes.

183. Then Excise was 133 lakhs?—Yes.

184. Stamps, I think, 66?—Yes.

185. Forests, 217; and other heads, which include, for instance, Registration and so on, 93; and that gives a total of provincial revenue of 10 crores, 56 lakhs. I think that is about right?—Yes, that is right within a lakh.

186. The total figure, I might point out, is in the Government White Paper on page 540*, which is probably what you were looking at?—Yes.

187. You will see it is there called 10,55. We need not bother; it is a question of how you add it. There are one or two things that strike one in other of those figures. The royalties, you told me, I think, came to something like 32 lakhs, but as I make out, only about 5 lakhs of that comes from anything except petrol?—Petrol and kerosine—oil.

188. Oil?—Yes.

189. Fisheries, I believe, produce 47?—Yes, about that.

190. Who fixes the rates of royalty?—They are fixed under the mining rules which have, I think, been issued under the authority of the Secretary of State.

191. It is not for the province to fix them?—No; that is a reserved subject, in regard to which we are subject to the superintendence of the Secretary of State and the Government of India.

192. Looking at those figures, what they show is that using "land revenue" in the widest sense, so as to include capitation tax and so on, practically half the provincial revenue comes from that—523 out of 1,056. Of course, Forests are very important; it is one-fifth of the whole. Might we in the same way take for the year 1926–27 a few figures showing what the central taxes are which are collected in Burma. These are the figures I have got: Customs, 689 lakhs?—Yes.

193. Taxes on income, 193 lakhs?—Excluding the amount paid to the provincial Government under Devolution Rule 15.

194. Quite right; you are getting a certain amount back under Devolution Rule 15—3 pies in the rupee?—We got 14 lakhs that year.

195. 193 lakhs is the net amount the Central Government gets after it has paid you back your small share?—Yes.

196. Is the amount that is paid back to you under that head included under the miscellaneous head in the provincial total?—In the table on page 540,* the figure of 981 lakhs in the first column includes the amount we get from income tax.

197. So we are really making a complete distribution, and the province is getting credit for so much of the income tax as it has the opportunity of spending. Salt (another Central item) is 35 lakhs, Ports and Pilotage 7, and Miscellaneous 3, a total of 926. Then, as the Conference will see, if that is so the provincial revenues got from Burma are rather larger than the Central revenues collected in Burma; provincial heads produce 53 per cent. of the total and Central heads 47 per cent.?—Yes.

198. Going back to the provincial figures, is the 217 for Forests a net amount?—No.

199. It must be a gross figure?—It is. (*Mr. Gilliat*): There is about 91 lakhs of forest expenditure.

200. That is the way it worked out, apparently, in 1926–27, under the arrangement called the Meston Settlement. Now let us see how that compares with what seems to have been anticipated. You told me just now the Meston Committee calculated the increased spending power of Burma under the new system to be, I think, 246?—Yes.

201. From that they took away 64, leaving you the difference, 182?—Yes.

202. There is a passage in the Meston Report which says the province was recognised as being behind the rest of India in what the Government did for the people; that is to say, you were faced with the probability of having to spend more? (*Mr. Smyth*): Yes.

203. Have you got some figures, or is it useful for me to summarise them, which show what has happened since 1921–22; i.e. the way your net revenue has compared with the expenditure you have incurred, with the result (whether surplus or deficit) year by year? I do not think such a Table is in terms in your document, is it?—I can give you the figures for the revenue deficits.

204. What page is that?—They are not specifically stated there.

205. I did not think they were. Perhaps I can indicate the sort of thing it is. It comes to this, gentlemen of the Conference. We have already heard about contributions to the Central Government, but taking net revenue first of all, and looking through the years from 1921 down to the present, the net revenue of the province runs in this way: 1918; 868; 858; 986; 1,019; 1,006; 1,034; 1,073. The figure of 1,006 corresponds with the figure we had just now for the total provincial revenue, 1926–27, of 1,056 because in that year 50 lakhs was the contribution to the Central Government. That is the sort of way the revenue has gone; that is to say, it has not grown very much. As a matter of fact, have you imposed any new provincial taxation since the Meston Settlement?—We have imposed a betting tax; that is all.

206. Which year was that?—It came into effect during the present financial year.

207. So that, roughly speaking, the figures I have read out are unaffected by the imposition of new taxation?—Yes.

208. Let us contrast with that set of figures over the same range of years the figures of expenditure. I am not for the moment considering whether it is capital expenditure or not. The corresponding figures are these: 904; 1,024; 885; 987; 1,080; 1,142; 1,210; 1,178?—I do not know whether those figures include expenditure in England or not?

209. They would, I think?—In 1926–27 I get a total provincial expenditure of 1,189.

210. The figure I have here is 1,142?—47 represents expenditure in England.

211. *Sir Arthur Froom*: Is the last figure the budget estimate?

The Chairman: I think so. 1,178 is the budget estimate, is not it?—Yes.

212. The point that seems to me to follow from that is this. Of course, the figures speak for themselves. They show in the first year a small surplus,

* Vol. XI.

and after that a deficit every year ?—Yes, we have had constant deficits.

213. Of course, unless those figures are subject to serious correction, or unless there is some figure to be removed which has to do with capital expenditure or the like, it would seem that the expectations of the Meston Committee have not been realised as far as Burma is concerned ?—Yes, but there are very large deductions to be made on account of capital expenditure.

214. With what sort of balance did Burma start under the Meston Settlement ?—(*Mr. Gilliat*) : In the year 1921–22 the opening balance was 572 lakhs, That included rice control profits.

215. I will come to that in a moment. Has Burma met some of the expenditure I have detailed by drawing on that balance ?—Yes.

216. At present it is not a question of having a balance but of having borrowed, I suppose ?—That is true ; we have borrowed.

217. *Sir Hari Singh Gour* : Could we get a more correct estimate of expenditure if we had year by year the capital expenditure set out and deducted from the other ?

The Chairman : I suppose the point is that it is always rather a matter of dispute as to exactly what the capital expenditure is ?

The Witness : Yes.

218. *Lord Burnham* : And you have always to bear in mind that Governments and private people have an entirely different scheme for capital expenditure.

The Chairman : That is perfectly true !

The Witness : You can gauge roughly what has happened by looking at the figures of expenditure under the heads " Civil Works " on page 541* of the memorandum.

219. Let us have a look at that. This is very much what Sir Hari Singh Gour had in mind, I think. The Table on page 541* shows very considerable sums spent year after year on Civil Works ?—Yes. We used to spend something in the neighbourhood of one crore ; now we are spending something like two-and-a-half crores. Under Irrigation we used to spend about 16 lakhs a year ; now we are spending something like 60 lakhs.

220. *Sir Hari Singh Gour* : That comes out of the revenue, not from borrowing ?—It came out of the revenue until the last two years. It has really come from the rice control profits.

221. *The Chairman* : I want to hear a word about that, because I find it a little difficult to follow. We are not all equally familiar with it. Just explain to us what it was. First of all, when did it happen ?—There was rice control for two years, 1919 and 1920.

222. It is dealt with in paragraph 14, page 527* ?—Yes.

223. Burma is a very big exporter of rice, is not it ?—Yes. About 60 to 65 per cent. of the world's export of rice comes from Burma, I think.

224. As regards the rest of India, India properly so called, on balance does it export rice ?—No. The rice exported from the rest of India is more than covered by the rice imported by the rest of India from Burma.

225. Let us see, then, what rice control was. I suppose the controller or the authorities paid to the cultivator a particular price, an arranged price, for the rice ?—Yes.

226. That prevented the cultivator from taking advantage of an unlimited rise of prices ?—Yes.

227. Having thus acquired the rice, what was done as regards the price at which it was sold ?—I am afraid I cannot give you any details as to the price at which it was sold, but I understand there was a considerable profit on the transaction.

228. I imagine it was sold in India at a controlled price to cover, no doubt, the cost, expenses and so on, but that it was sold to the rest of the world at a world price, and I can well believe that in 1919–20 that produced some money ?—I think in the case of Ceylon, and perhaps in the case of other countries, there was a decrease below the world price.

229. Those are details. At any rate, the broad result is that by taking control of the rice of Burma and limiting the amount paid to the producer and controlling the price at which it was sold to the Indian consumer, it was possible to make a very large profit by selling at the world price outside. That must be the way it went ?—Yes.

230. I think there was a controversy (which we need not go into now) as to whether that profit belonged to India or Burma !—There was a little discussion about it.

231. Let us count our mercies one by one : who got it in the end ?—Burma got it. On the other hand, the Burma cultivator did not get anything approaching what he had lost owing to the fact the price of rice was controlled.

The Chairman : I suppose the price of other commodities rose, and when he had to buy other things he lost.

232. *Sir Sankaran Nair* : Have you any idea how much you sold in India ?—I can produce the figures for you, but I cannot tell you straight away.

Sir Hari Singh Gour : The profits were about nine crores.

233. *The Chairman* : You might let Sir Sankaran Nair have that information ?—You mean the amount of rice exported to India from Burma ?

Sir Sankaran Nair : And the amount sold to Europe.

Sir Arthur Froom : Sold elsewhere.

The Chairman : By India in Europe.

234. *The Chairman* : As far as Burma is concerned, practically the result was that there was something like 9 crores from rice control, a great portion of which went in meeting some of your expenditure here ?—Yes.

235. In the note I have been given I have got a list of two or three principal items financed from the rice control fund. You repaid irrigation loan and you went into some new irrigation ?—We constructed new irrigation works.

236. Then civil works, roads and buildings ?—Yes.

237. Loans to port and development trusts and so on. Let us see what the result of this is. At the moment your ordinary revenue and your ordinary expenditure are more or less balancing, but will it be necessary for Burma to find increasing revenues in the years which are now coming ?—I think it is highly probable.

238. I mean you are committed to a good deal of capital expenditure ?—Yes.

239. Does it not put upon Burma, as a direct result, charges for upkeep and things of that sort ?—Yes ; in the matter of roads, for instance, every road we metal means an increase in the bill for maintenance of roads. We realise that the charges of maintenance of roads will increase very largely, especially with the growth of motor traffic.

240. Have you got any incremental system in the matter of salaries ?—Yes, we have time-scales.

241. Has that reached the peak ?—No. Most people came in to the lower half of the time-scale when they were brought on to it and few of them have yet reached the maximum.

242. It does look that the result of that is that Burma has got to face somehow or other the means of finding an increase in revenue ?—Yes.

243. That being so it is interesting to see how far the heads of revenue which the province keeps are elastic. Let us then look at page 538* of your book which contains some very interesting figures about that.—There is one mistake in the first column. The figures for 1924–25 and 1925–26 ought to be turned round ; 577 ought to appear against 1924–25 and 539 against 1925–26.

244. Thank you. * * * Looking at land revenue, I see that there has been a rise but there has not been a consistent rise since 1921–22. The

* Vol. XI.

figure for 1921–22 is 531 lakhs, for 1924–25, 577 lakhs, for 1925–26, 539 lakhs and for 1926–27, 525 lakhs ?—Yes; the land revenue varies considerably with the season. (*Mr. Gilliat*): The figure for 1925–26 is incorrect. There was a mistake of 30 lakhs owing to the credit of cess on land revenue to the provincial head which ought to have gone direct to the local bodies.

245. Let us take land revenue. You have got to face the prospect of finding more money. What do you say about the elasticity of revenue that may be expected from land revenue ?—I do not think that in future land revenue will be very elastic. The political tendency is to limit the percentage of net assets which can be collected in the shape of land revenue, to limit the rate at which land revenue can be increased and to extend the period of settlement.

246. *Sir Hari Singh Gour*: How is it inelastic ? The settlement takes place only once in 20 years.

The Chairman: I thought that different areas would be settled each year ?

The Witness: Yes. I might also explain, sir, that the increase of assessment obtained by a revision of rates in any year may not show in the figures on account of the fact that revenue has to be remitted on account of fallows and failure of crops. In Burma if crops are not grown the assessment is not paid; if the crop fails the assessment is remitted.

247. Is land revenue not charged if the crop is not grown ?—No. There is a fallow rate of 2 annas that is usually charged in Lower Burma, but broadly speaking when a crop is not grown there is no payment of land revenue.

248. Certainly it does not look very elastic. Of course, you do not enjoy the privilege of a permanent settlement here ?—No, sir. I might explain that the greater part of the elasticity of land revenue is accounted for by the extension of the occupied area.

249. *Sir Hari Singh Gour*: A very large percentage of the culturable area is not taken up ?—That area is decreasing year by year not only on account of part being taken up but on account of the increase in the cost of labour.

250. *Sir Arthur Froom*: We have been told in some provinces that they expect an increase in the revenue because the re-assessment is shortly to start. The assessment goes on for 20 years ?—20 years is the normal period.

251. I take it that towards the latter part of the 20 years the re-assessment is not as large as it is in the first part ?—The same rates apply during 20 years. As time goes on and prices rise the rates become more and more inadequate. At the end of 20 years the rates are revised and brought up to the pitch at which it is thought they ought to be. Then they go on for another 20 years. But if the season is bad and areas are not cultivated they are not assessed.

Lord Burnham: On page 52 of the report of the Indian Taxation Enquiry Committee I find it stated that a peculiar feature of the land revenue which is common to Burma and the Punjab is " the large area " in which there is in force the system of fluctuating " assessments, in other words of charging only when " a crop is grown." " The rates in Lower Burma are " so framed that the assessment does not amount to " more than one-fourth of the net produce."

252. *The Chairman*: There are two things. First of all, the revision of the assessment which is done, I understand, by people who go round on tour from time to time to examine the situation with a view to a revision of the assessment. That is not the same thing as the payment of the assessment. You expect the assessment to swell a great deal if agricultural profits have increased. The second point is whether if in fact there has been a bad harvest a large number of people are let off without paying the assessment ? —Yes.

253. Now, looking at page 538* again, one sees that excise revenue has risen from 98 lakhs in 1921–22 to 133 lakhs in 1926–27. What do you say, Mr. Smyth, as to the prospects of further elasticity there ?—We do not think we can expect much. This year we are inclined to think that prospects are better than we had expected. I may explain that the 1926–27 figures are for 14 months. We had a change then in the excise year and licenses were sold for 14 months instead of for 12 months.

254. Because Burma has been making progress, do you consider that the provincial revenues of Burma do provide you with reasonably expanding sources of revenue ?—No. I do not think the provincial revenues provide us with sources that will expand as rapidly as any probable expansion of provincial expenditure.

255. Let us look at the other side—the Central revenue coming from Burma. You have given some figures on page 536* of your White Paper and also some on page 528.* Page 528* is a convenient one to take. I see that 5 crores 31 lakhs was the net receipts in 1921–22 from the Central heads of revenue collected in Burma ?—Yes, the principal sources.

256. I come down to 1926–27. I find that the figure is 9 crores 31 lākhs ?—Yes.

257. It does seem to show that there is more elasticity in Central heads than in provincial heads. —Very much.

258. Let us take the expenditure and see how it has grown in Burma. I have already mentioned a series of figures of expenditure beginning with 1921–22. In 1921–22 it was 904 lakhs and the budget estimates for 1928–29 are 1,178 lakhs. It is rather interesting to compare these with one or two earlier figures. Your last provincial settlement before the Meston award was in 1911, was it not ?—That is so.

259. The figure I have been given is this. In 1911 the standard expenditure of Burma on which your settlement was based was 485 lakhs ?—Provincial expenditure ?

260. Yes. Then there is a figure which I notice in the Montagu-Chelmsford report in paragraph 206 which shows that the normal expenditure on which the authors of that report were basing their view about the financial settlement was 608 lakhs. As I said, in 1921–22 it was 904 lakhs while the estimated budget for 1928–29 is 1,178 lakhs. It is rather striking ?—The same had happened in other provinces. If you look at the Table on page 522* under the heading " Provincial expenditure " you will find the comparative figures. By taking two periods of 12 years, you will see that in Burma the provincial expenditure had gone up by 49 per cent. only, whereas the expenditure in other provinces of India went up by 81 per cent., which is practically double.

261. *The Chairman*: It is not that you were spending money proportionately at a greater rate than other people, but it is that although you are committed to that expenditure you have none the less outrun your estimate ?—Yes.

262. Now just give us one or two figures which will illustrate the result of that. Have you got, for instance, anything which will give us an idea as to how Burma stands as regards the expenditure on Education or Medical Services or things like that as compared, it may be, with one or two other provinces ?—I have not dealt with the provinces separately. I think probably the figures will be found in the memorandum which has been put up on Education.

263. I will tell you this. If you take elementary and secondary education, leaving out university education, and you work out the figures of expenditure from public funds per million inhabitants— I do not say it is necessarily the test, but it is a test— then the position is this, that Burma spends on elementary and secondary education from public funds per million inhabitants 3·6 lakhs. In the Central Provinces it is 3·1; in Assam it is 2·2; in the United Provinces it is 2·8: in Bihar and Orissa, 1·4; in Bengal, 1·3; in Madras 3·4: in the Punjab 4·4,

and in Bombay it is 9·6. But of course I quite appreciate that it all depends on the system of education. Here you have got a whole lot of monastic schools ?—Yes.

264. A good many schools that are unrecognised for the purposes of grants ?—Yes.

265. On the other hand in Bengal we found that a great deal of education expenditure takes the form of aiding schools ?—Yes.

266. In other places it takes the form of paying for them.—I would also invite attention to paragraph 11, page 524,* of my memorandum in which I have explained that the same services in Burma cost twice as much as they do in India.

267. The standard of living is what you mean, and you say " the result is manifest in the salaries " which have to be paid." And you give some instances. On the top of the next page you give the figures.—These figures relate to 1913–14 or thereabouts. We have not been able to find parallel figures for recent years but I have no reason to think that they differ substantially.

268. On page 525* (Part VI, Burma Government memorandum) you say : " It was estimated after " full investigation in 1918 that the whole cost of " administration in Burma should be decreased by " at least 20 per cent. in order to represent the cost " of a similar administration in a normal province." —Yes.

269. Your point is that whatever you spend, the money does not go as far ?—Yes, so that when you look at the figures of expenditure on education you have got to consider what services these represent.

270. What is the *per capita* expenditure in Burma as compared with other provinces ?—The whole provincial expenditure ?

271. Yes.—The figure per 100 of the population is Rs. 975 on the figures of 1926–27.

272. Yes, I have got a similar figure, but as far as I can make out the total expenditure in Burma *per capita* is higher than in any other province in India ?—Yes, undoubtedly. So is the total revenue very much higher *per capita.*

273. My figures are these :

Per capita expenditure in		Burma	9·2
,,	,,	Madras	3·7
,,	,,	Bombay	7·3
,,	,,	Bengal	2·4
,,	,,	United Provinces	2·5
,,	,,	Punjab	6·0
,,	,,	Bihar and Orissa	1·8
,,	,,	Central Provinces	4·2
,,	,,	Assam	3·7

(*Mr. Gilliat*) : The figures here slightly disagree. It is 10 in the case of Bombay ; otherwise your figures are very close to these.

274. Where are you reading from ?—This is a detailed abstract statement we have prepared showing the comparative incidence of expenditure in the various provinces of India each year taken from the Finance and Revenue Accounts.

275. Give us your figures for Bombay.—For Bombay it is exactly 10 *per capita*, and we come next with 9·75.

276. The others are ?—The others are much the same as your figures.

Punjab	5·91
Central Provinces ..	4·40
Madras	3·58
Assam	3·22
United Provinces ..	2·92
Bengal	2·34
Bihar and Orissa ..	1·79

277. Of course it really comes to this. It depends very largely on how thinly populated the area is ?—Yes.

The Chairman : Figures could be used for various purposes, but that generally gives us some kind of picture of what seems to be the financial position in the province.

Afternoon.

Mr. A. E. GILLIAT, C.I.E., and the Honble. Mr. S. A. SMYTH, C.S.I.—*continued.*

1. *The Chairman* : Mr. Smyth, on this general review of the financial position which you have been helping us to grasp there is really very little more that I want personally to ask. * * * Would it be convenient for you just to give us any figures which would show this, viz., when the Meston Settlement came into operation as applied to Burma, how then the matter stood under that new arrangement as between the revenues which the province got and the revenues collected within the province which the province handed over, and how does that compare with the position now ? It seems to me that there might conveniently be three periods, and we might first take up the period before the Meston Settlement. I have got the figures of average for the years 1916–1921, and it seems to me that you might then be able to say what was the total of provincial revenues and what was the total of Central revenues from Burma during what we might call the pre-Meston period. Then we might be able to get the figure of the Meston arrangement, and then we ought to be able to get at the position of to-day. What strikes one when one looks at the figure as a whole is that there has been an increment in the amount which the Central Government has got, and at first there was an advantage to this province, but that advantage has tended to drop as things now are within the last few years. Is not that the descriptive result ?—(*Mr. Smyth*) : Yes.

2. Well, then, how does the figure stand ?—If you look at the Table on page 522* of the memorandum, sir, you will see there the Imperial revenue deduction assignments to provincial and the provincial revenue including assignments from Imperial.

3. I see that. But is that summarised at page 528 ? Look at page 528.* You will see there under the total provincial heads an average for the years 1916–21, and I see that the average is 7,54 lakhs ?—Yes, but prior to the Meston Settlement, sir, some of those heads were divided.

4. Yes, I am coming to that. But that does not mean that that is really capital spent. How much of the 7,54 lakhs did you keep ?—That, as I say, sir, you will find on the Table at page 522* from the third column figures. Provincial revenue including assignments from Imperial was 7,07 lakhs in 1920–21.

5. Just turn to page 540* for a moment. Is it not the average for the five years 1916–21 of the amount retained by the province that is given there ? I think it is 5,49 lakhs. Is that not right ?—It is 6,37 lakhs for the first five years, sir, including transfers from Central.

6. It comes to this then. If you take the last five years before the Meston Settlement, that is the five years 1916–21, the average amount which Burma had to spend is 6,37 lakhs ?—Yes, sir.

7. Now then can you tell me for the same five years what the average would be of the Central

* Vol. XI.

revenues from Burma. It is of course made up of the heads which are purely Central and the portion of the divided heads which came from the Centre ?—The first column of the Table on page 522,* sir. 5,45 lakhs is the average for the five years 1916-21 of the Imperial revenue deducting assignments to provincial.

8. Will that be including the portion of the divided heads which goes to the Central Government ?—Yes, sir.

9. Very well, in that case it is the first part, and it may be summed up in this way that for five years before the Meston Settlement came to be applied to Burma the sum which the province had to spend on the average was 6,37 lakhs and the sum which the Central revenues got from Burma was 5,45 lakhs ?—Yes, sir.

10. Now then let us compare it with the position that was created by the Meston Settlement. It began, of course, by giving the province a lift. The figure is given on page 528.* The average of the last six years 1921-27 is 9 crores 15 lakhs, is it not ?—Yes, from principal sources of ordinary revenue.

11. That shows of course a big lift as compared with what was before. But then your trouble, I understand, is that although it is a big lift it is not sufficient to meet the growing expenditure and that you are left with inelastic resources ?—Yes.

12. On the other hand the Central revenue from Burma during this second period is 7,67 lakhs. So it comes to this that the Central Government by the rearrangement and by the development of course of the sources of revenue is now getting about 2 crores more, is it not ?—Yes, on the average of the years.

13. That seems to be the substance ?—Yes.

14. *Lord Burnham* : There is one point I wish to pursue for a moment and that is the arrears of administration which you complain of in Part VI of the Burma Government's memorandum.* You lay great stress on that point because it entails a much greater capital expenditure, does it not ?—Yes.

15. Can you estimate the capital expenditure, without going into its constituent parts, that is entailed by this former neglect ? How much money you could have saved ?—I could not possibly give a comprehensive estimate.

16. On page 519* you say that the administration on modern lines here only began when the combined province was raised to the status of Lieutenant-Governor in 1897 ?—Yes.

17. These historical causes make it all the more difficult for you, of course, in your financial situation. Supposing the Government of India in case of a scheme of separation were to say that Burma has got to pay for the cost of the wars by which it was acquired for the British Crown, you would not, I suppose, treat the arrears of administration as a sort of moral set off ?—No ; the question of separation should be considered quite independently of this latter question of arrears of administration.

18. I will put it in another way. Supposing that you are to be held responsible for the debt accumulated by the military expeditions into this country, it would be a serious burden for you ?—I should think so.

19. Have you looked at the question from that point of view ?—I have considered the possibility of that being raised, but I do not think that there is any justifiable ground on which Burma can be charged for the cost of the Burmese wars.

20. At this stage I will merely deal with the arrears of administration which you speak of in your memorandum. Do they extend to all departments equally or to any special department of Government ?—I think they practically extend to every department.

21. The fact that there has been this backwardness has affected the development of national life, I suppose ?—It is a question of what you mean by national life.

22. I mean development of the resources of the country ?—Absence of communications and things like that have had a very serious effect on the development of the resources of the country.

23. *Major Attlee* : You get a certain amount of royalty on oil in Burma ?—Yes.

24. But that is not as much as the Government of India gets out of its oil taxation ?—No ; I think you are referring to the excise duty on kerosene and petrol.

25. The oil interests are very well off ?—Yes, some of them.

26. Can you get more out of them in the shape of royalties ?—I think so.

27. That is settled by the Government of India and the Secretary of State, is it not ?—Yes ; it is a reserved subject.

28. It is not entirely in the hands of the province ?—No.

29. *Lord Strathcona* : On page 539 of Part VI of the memorandum* at the end of paragraph 27 you say, " In 1926-27 the incidence of taxation from the " principal sources of provincial revenue was in " Burma Rs. 7·3 per head of the population and in " the rest of India 2·7." Is the high taxation of Burma chiefly due to the high incidence of land revenue ?—It is partly due to that and partly due to other heads of revenue.

30. But chiefly the land revenue makes the figure so big ?—Yes.

31. *U Aung Thin* : In the matter of excise revenue you have got to pay regard to the public feeling which is in favour of prohibition ?—Yes ; excise is a transferred subject.

32. And therefore there is a possibility of a decrease rather than an increase under that head ?—There is that possibility which cannot by any means be neglected.

33. *Sir Arthur Froom* : *Thathameda* and capitation taxes are at present reckoned as provincial revenue ?—Yes.

34. From these sources you get a revenue of about a crore of rupees ?—Yes.

35. Your complaint is that these taxes should be regarded as local revenue ?—Yes.

36. Because these two taxes are regarded as provincial taxes, you are required to make larger grants to your district boards and local bodies ?—Yes.

37. If the revenue from these taxes is treated as local revenue, you will not be required to make contributions to local bodies from the provincial revenues ?—Yes, that is so.

38. One or two questions about the Meston Settlement. I have read with great interest Part VI of your Government's memorandum,* but I see that you have not made any proposals as to what relief you would like to obtain under any readjustment of the Meston Settlement ?—We have not formulated any precise proposals. As you will see from the memorandum, the matter was considered by the Taxation Enquiry Committee, by the Government of India and by the provincial Governments and they have not been able to evolve any solution which will be satisfactory to all provinces. You will find in the memorandum a statement as to what the Government of Burma was prepared to accept.

39. *The Chairman* : Which page is that ?—Page 556, paragraph 47.* In paragraph 46 you will find that certain proposals were put forward by the Government of India, and that the provincial Governments were asked to express their opinion on them. This Government's reply is summarised in paragraph 47. The Government of India's proposals were framed after consideration of the recommendations of the Taxation Enquiry Committee which considered this question.

40. *Sir Arthur Froom* : Your proposals are merely that certain considerations should be taken into account in the readjustment. You make no direct proposal ; for instance, you do not claim what share of income tax you want ?—No.

* Vol. XI.

41. Your Government are prepared to trust the Government of India with regard to any readjustment ?—I think that if the Government of India were to mention the amount which they propose to give us then we would discuss the question.

42. *Sir Hari Singh Gour*: On pages 553–4* in paragraphs 41–43 you deal at first with developments, and secondly with the administrative requirements. Have you or your Government formulated any idea as to how much money is required, say, during the next five or ten years under this head " administra- " tive requirements " ?—No, not a comprehensive estimate.

43. And how much money is required for the purpose of development ?—We can say that it will be very large.

44. You have no definite idea ?—We are at present engaged in carrying out a programme for the development of roads extending over a period of five years on which we shall have to spend after the 31st March, 1929, a sum of approximately 210 lakhs of rupees. That is only a part of what might be called the beginning of the development of communications. Then, of course, there are many buildings to be renewed. It is quite impractical to undertake a large enquiry to sum up all our requirements and calculate their cost, because if you did so before you could complete the execution of your programme your figures would be valueless.

45. I asked you that because in Bengal we were told that they wanted three crores of rupees extra a year for the purpose of completing their development works and for administrative requirements. I thought you probably had a rough idea as to how much money would be required under these two heads, that is to say, if there is to be a readjustment in the financial relations between your Government and the Government of India.—In order to form even a rough idea on a subject such as roads you have to put an officer or two on special duty and keep them on work about a year going round the province and enquiring into the state of the existing roads, the improvements needed and so on. In 1917 we drew up a road programme which was estimated to cost something in the neighbourhood of eight or nine crores in capital expenditure alone for the purpose of bringing up the existing roads to a reasonable standard without constructing any new roads. That programme has not yet been completed, or anything like it.

46. But supposing you were prepared to levy a road cess, would that pay you for recurring charges, apart from capital expenditure ?—I think we would require a large cess in order to meet our recurring charges on roads. At the present stage of our programme the recurring charges on the maintenance of roads are estimated at something like 56 to 60 lakhs of rupees a year.

47. Do you think you would be able to levy a road cess with the consent of your legislature ? You think there would be no resistance on the part of legislature or the public to the levy of a road cess ?—I do not quite understand what is meant by a road cess. You mean tolls ?

48. Yes.—The policy of the Government so far has been not to have tolls.

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RANGOON.

Dated, 5th February, 1929.

PRESENT:

ALL THE MEMBERS OF THE COMMISSION (EXCEPT SIR JOHN SIMON), OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND AND RAO BAHADUR RAJAH) AND OF THE BURMA PROVINCIAL COMMITTEE.

(LORD BURNHAM Presided.)

Mr. J. CLAGUE, I.C.S., Chief Secretary to the Government of Burma, and Lieut.-Colonel R. W. MACDONALD, C.I.E., D.S.O., Inspector-General of Police, Burma.

1. *The Chairman* (*Lord Burnham*): It may be convenient to say that the memorandum on the Police Department begins from page 205, Part II of the Government memorandum.* There are, of course, certain allusions to it also in Part I.

Have you any other matter on which you wish to give us information, or is it your idea that the evidence should be confined to the Police Department ?—(*Lt.-Col. Macdonald*): My only evidence is confined to the Police Department.

2. I think you have six Deputy Inspectors-General ?—Five now, sir. It has been cut down by one.

3. Does that include the military officer in charge of the Burma military police ?—It does.

4. One is in charge of the administration at headquarters ?—No, sir. That post has been done away with.

5. Another is now the head of the Criminal Investigation Department, and the remaining three are in charge of the three ranges into which the province is divided ?—Yes.

6. Is it the case that all the Deputy Inspectors-General are Europeans ?—Yes, sir.

7. Of the thirty-seven superintendents of police thirty-one are Europeans ?—Thirty-one are Europeans.

8. Of the thirty-two assistant superintendents of police twenty-three are Europeans ?—Twenty-two. May I modify the first statement. There are thirty-one officers shown as Europeans, but actually a number of them are Anglo-Indians, but they are not domiciled in Burma, and they are treated in every way as being Europeans. We show thirty-one Europeans as against three Anglo-Indians and three Burmans, but included in the thirty-one Europeans there are a certain number, four, five or six Anglo-Indians.

9. That is an unusual classification, is it not ?—I mean, are not the Anglo-Indians separate as a rule ?—No, sir, because immediately after the war we recruited for the Imperial Police, and we were glad to take in officers as they were available, and certain suitable officers happened to be Anglo-Indians as well as Europeans.

10. I am not suggesting they were not suitable.—They were treated as Europeans and they draw overseas pay. Their domicile is not in Burma, although they happened to be Anglo-Indians.

11. Then of the 232 inspectors is it the case that ten are Europeans ?—My figures are slightly different. It is six. I make out six Europeans. That statement was compiled some time ago.

12. Your own is up to date ?—Yes.

13. Would you give the figures now ? Or perhaps you had better give us your list, beginning with the Deputy Inspectors-General.—Deputy Inspectors-General are five in number, all Europeans. District

* Vol. XI.

superintendents of police are thirty-seven in all, of which thirty-one are Europeans, which, as I said, includes Anglo-Indians treated as Europeans. Anglo-Indians domiciled in Burma are three and Burmans three.

14. It is quite clear that Anglo-Indians are included in Europeans in the superintendents of police ?—Except for three who are domiciled in Burma. Of the assistant superintendents of police the actual number is thirty-two—Europeans twenty-two, Anglo-Indians six, and Burmans four. The number twenty-two also includes one or two Anglo-Indians who are classed as Europeans. They were recruited among the Europeans. The actual number of deputy superintendents of police is sixty-five—Europeans two, Anglo-Indians seventeen, Burmans forty-three and Indians three. Of the Burmans one is a Chinaman, and of the Indians one is a Jew.

15. You have mixed races there, then ?—Yes, sir. The total number of inspectors is 216—six Europeans, twenty-five Anglo-Indians, 170 Burmans and fifteen Indians.

16. *Mr. Rafi*: Are there any Jews among the Indian inspectors ?—No, not amongst the inspectors.

17. *The Chairman* (*Lord Burnham*): Then you go on to sergeants ?—The European sergeants are all Europeans or Anglo-Indians. The majority are Anglo-Indians in the district police.

18. Will you go on with your table ?—I have only made my table out to inspectors. The recruitment of sub-inspectors is entirely by examination, combined with a selection board, and we enlist them irrespective of race, provided they pass the selection board and pass the examination. We take in Indians provided their knowledge of Burmese is sufficient.

19. In regard to the sub-inspectors, will it be true to say that they are all Burmans except a few Indians ?—A small sprinkling of Anglo-Indians and a small sprinkling of Indians.

20. Is their number in all 2,000 ?—Yes, sir.

21. You have got about 12,000 head constables ?—Not head constables ; there are constables also ; the total of these comes to 12,000.

22. Is it the case that Indians are employed in all large towns ?—Not all, but Indians are employed to a certain extent in large towns.

23. And they are exclusive of the military police ?—Yes.

24. Is the city police in Rangoon distinct from the district police ?—Yes, sir ; that is a separate force.

25. Under the Commissioner of Police, Rangoon ?—Yes.

26. And it is the fact that he is, like the Commissioner of Police in Calcutta, invested with certain of the powers of a magistrate ?—Yes, sir.

27. Will you tell us something about the military police ?—I do not know if I can add very much to what is written in the summary here.

28. It is dealt with at page 206* of Part II of the Government memorandum, and I may read out perhaps an extract from it which I have got here : " The military police are intended mainly to preserve " peace among the non-Burman tribes in the Hill " District of Arakan, the Chin Hills, the Kachin Hills " and the Shan States. The Government of India " make an annual contribution to Burma revenues, " based on the proportion of the military police " employed on frontier work. The rôle of the " Burma Military Police is generally similar to that " of the Assam Military Police." Will that be a correct statement ?—Yes.

29. Is there anything else you wish to say about the police organisation there ?—The two Internal Battalions are different. They act as a reserve to the civil police and are engaged also in escorting prisoners and treasure. Otherwise their functions are the same as those of the other battalions.

30. Then we might deal with the statement made in Part I of the memorandum of the Government of Burma as to the condition of Burma in respect of crime. At the bottom of page 24,* paragraph 47, it is stated : " In crime Burma has an unenviable " reputation. . . . For the five years 1921-25 in the " rest of India 626 persons per million of the popula- " tion went to jail every year. In Burma the figure " is 1,640 in a million. The percentage of persons " convicted for theft is three and a half times that of " the rest of India. The number of murders in 1926 " was 867 and in 1927 was 825. The average number " of murders in England and Scotland is 150 a year." Would you like to say anything about that ? You have got here, of course, in the extracts (Note on the memorandum from the Government of Burma on police administration) that the Government accepted the view of a special committee appointed in 1923 " that the root of the evil is to be found in the " economic, political and social upheaval and unrest " which have followed the war." Is that your opinion ? It is not the opinion quite as expressed in the memorandum on the Police Department, and so I suppose it is not your opinion ?

Sir Hari Singh Gour: Nor is it the opinion expressed in paragraph 47, Part I.*

The Chairman (*Lord Burnham*): No ; I had better read that out. It is a long paragraph, and I should like the Chief Secretary to give us his view, if he will, in regard to the cause of crime. At page 24,* Part I, it is stated : " The Annual Police Reports " draw attention to the lack of self-control engendered " by the absence of parental discipline and by the " decay of religious feeling ; and to the ' boredom of " village life ' which induces the village youth to " join a dacoit band ' at first with little criminal " instinct but chiefly to add a little excitement to " his humdrum village life.' The general apathy " and indifference towards crime are also cited, and " it is said that ' the lack of public opinion against " ' crime and the tendency to assist the criminal and " ' to thwart justice ' are much more marked in " Upper Burma than in Lower Burma and make " detection and successful prosecution very difficult." Is that your view also ?—Those are all contributory causes.

31. What do you think is the main cause ?—I have got no special reason to give as to why Burma should be so much more criminal than any other province, but I think that the increase in the amount of crime we have here as compared with the pre-war days is mostly due to the economic conditions. There was a distinct rise in all forms of crime immediately after the war ; it was not confined to one particular form of crime, but to all crime.

32. *The Chairman* (*Lord Burnham*): It seems to me that that cannot be a reason now nearly ten or eleven years after the conclusion of the war ?

Sir Hari Singh Gour: Not only that, sir. That only refers to offences against property, but not against the person. That is quite a different thing.

The Witness: The two go together considerably in this country.

33. I know that, but what you say, viz. the effect of the war and the economic causes, may perhaps operate in respect of offences against property, but they cannot operate in equal degree in respect of offences against the person ?—The fact remains that there has been a distinct increase since the war. There was a jump of something like 40 to 50 per cent. in 1918-19, which has been maintained since. During the years 1924 and 1925 we had an abnormal increase for which I think I can give special reasons. That abnormal increase was only for those two years, and crimes have now come down to the level of what they were in 1919, when this first jump took place.

34. *The Chairman* (*Lord Burnham*): I see that in the course of the budget debate by the legislative council in 1924-25 the Inspector-General of Police said : " As another cause, I consider that the frequent " vilification of the police in the vernacular press is " responsible for much discouragement among the " members of the police and for the consequent

"encouragement to the criminals, and is therefore "another important factor to account for the sudden "outburst of important crime."—That was in reference to the abnormal increase in 1924-25.

35. Does that reason still apply ?—Not to the same extent, sir.

36. I see that cognisable crime is three times more prevalent in Burma than in Bihar and Orissa and in Madras. Have you anything which you would like to add in regard to the origin of crime in Burma ?—No, sir. I have nothing to say about the origin of crime in Burma. It has been a criminal country long before my time. I can only say what I think is the reason for abnormal increase in certain years.

37. Am I right in saying that the strength of the police force is three times as large as in Bengal in relation to population, but in relation to area it is smaller than in any other province except the Central Provinces and Assam ?—I am prepared to accept those figures. It was worked out by the Police Enquiry Committee. I do not know about it myself. (*Mr. Clague*) : Those are correct, sir.

38. Is it true that the cost of the police is similarly high in relation to population but small in relation to area ?—(*Lt.-Col. Macdonald*) : Yes, sir.

39. It is about 14 per cent. of the total provincial expenditure ?—Yes, sir ; it is coming down slowly. (*Mr. Clague*) : The latest figure, I think, is 13·58.

40. I have got here put into my hands two sets of statistics,* one dealing with cases of murder, dacoity and robbery from 1920 to 1927, and the other with the number of "true cases" dealt with by the police in the same period. Is your conclusion based on these statistics that crime has not increased in numbers during the last ten years, but has increased in violence ?—(*Lt.-Col. Macdonald*) : That is correct, sir.

41. You say that the idea got abroad in 1923 that Government had begun to relax its hold, of course in regard to police matters, and that the relaxation was attributed to political agitation. Had that idea much of currency ?—It had great currency, sir.

42. Do you hold that the impression has disappeared, or is disappearing ?—It is now disappearing fast.

43. I think we must examine the attitude of the legislative council in regard to the police administration. Is it true that the first council was very critical of the police administration ?—Yes, sir.

44. What would you attribute that to ?—To the fact that the Police was a reserved subject. I think that has got a great deal to do with it.

45. Do you attribute it also the fact that the police had interfered with the political agitation preceding and following the introduction of the Reforms in 1923 ?—I think that the police became more unpopular than they were before, when political agitation started in the country. Necessarily the police had to be used for political purposes, they had to be used for the suppression of sedition, and they had to watch political movements, naturally politicians resented the interference of the police, and, therefore, they are rather more bitter against the police now than they were before.

46. Then it is stated at page 213† that : "Full "advantage was taken of the different budget "debates for criticism of the department which "developed on one occasion into what a member "termed 'the exciting and exhilarating game of "police baiting.'" Does that attitude still continue ?—It has been given up, sir.

47. Did the first council make a cut of ten lakhs in the police budget ?—(*Mr. Clague*) : Yes, sir.

48. And that had to be certified later ?—Yes. At the next session of the council a demand was put in by Government for nearly nine lakhs ; that was not approved by the council, and was certified by the Governor.

49. Has the attitude of the council towards the police improved since the first council ?—(*Lt.-Col. Macdonald*) : On the whole I think so, sir. The attitude of the second council was very much more friendly. I do not know what it is going to be in the third council.

50. Was it a fact that a motion proposing a cut of fifty lakhs in the session of 1924-25 was defeated without a division ?—Yes.

51. In the session of 1926-27 a total cut of one rupee was moved. What happened to that ?—(*Mr. Clague*) : It was withdrawn, sir. That was merely to draw attention to the fact that the European and Anglo-Indian sergeants in the city police had not had their pay raised. It was withdrawn on a promise that the matter would be considered. Such motions are made often merely for the purpose of ventilating particular grievances.

52. In the session of 1927-28 was it the case that a proposal for a 4 lakh reduction was lost by a majority of 30 ?—Yes.

53. At page 217* I see a quotation is made from the annual report of the Inspector-General. It reads : "It is hoped that as public opinion in "Burma sides more and more with law and order, "and as the police and the public co-operate more "closely, the police advisory committees throughout "the province will become still more useful to the "benefit of everyone concerned." Has that hope in any way been realised now ?—(*Lt.-Col. Macdonald*) : It is very difficult to get people sufficiently interested in the police, sir ; but it varies in districts. In some districts police advisory committees have been of some considerable use to the police ; in others they take little or no interest in the police.

54. In the report of 1927 it is stated that "nearly "all district superintendents of police comment on "the difficulty of securing the attendance of members "of advisory committees." Is that true ?—That is the trouble, sir.

55. There are various other comments made in this memorandum which I do not think it necessary to read out, but I do not know whether you wish to draw attention to any of them ; for example, in the 1926 report you find it stated by the Inspector-General that : "The police force has to carry out "extremely difficult and unpleasant duties, and "false and malicious charges are frequently made "against them in the vernacular press and by "certain influential but criminally inclined members "of the public. Such cases have become so prevalent "in the Pegu district that the members of the police "force have started a fund of their own with which "to pay the legal expenses of false cases brought "against them." Is that still true ?—Yes, sir.

56. Perhaps I had better not ask you any question as to the future policy or if you do not want to answer it, you need not answer ; but otherwise naturally one would like to find out whether from the point of view of discipline and efficiency, you think it would be a good thing or a bad thing for the department to be transferred to a responsible minister ?—I consider it a very bad thing for the police force to be transferred because Law and Order is an important subject and should not be subject to political influence.

57. You have not got here the same communal differences that prevail in most parts of India ?—Very slight ; in fact, none.

58. Do you think that local influence would be brought to bear on the Minister more powerfully than now on the Member ?—I am afraid so.

59. You fear that the morale and discipline of the police would be prejudicially affected ?—I think in time it would be very considerably affected as it got to be known and the effects perceived.

60. We have heard a great deal in India about the corruption of the police especially in the lower ranks. Could you tell us whether in your opinion there is any wide system of corruption prevalent among the police in this province ?—Yes, there is corruption in the police in the province, but I do not

* *Vide* Appendix A, p. 466. † Vol. XI.

* Vol. XI.

think it is any more than in any other service. There is bound to be corruption in any service in Government so long as the people are willing to give bribes. There is now very much less forcible bribery in the police than there used to be, that is extortion. It still comes out occasionally and is severely dealt with. But on the whole I can say there has been great improvement as regards extortion in the police. We cannot prevent bribery if people are willing to give bribes. Until people are sick of giving bribes it must go on.

61. Have you many cases reported to you of bribery or corruption or both ?—We get very few cases of willing bribery reported to us because if a man is willing to give a bribe he is not going to come forward. We have a few cases of forcible bribery and we deal with these as severely as we can, either by sending the officer for trial or dismissing him from the service. If there is not sufficient evidence to send up for trial but sufficient enough for a departmental enquiry we deal with it ourselves.

62. Is every case reported to you ?—Every case comes to me, but is not dealt with by me.

63. You deal with the more serious ones yourself ?—No ; the district authorities are capable of dealing with any case. I only deal with the case of senior officers. We have never had a case of a senior officer for many years.

64. You think things are improving ?—I am sure they are.

65. *Major Attlee* : What was the state of crime in pre-war days in this province ?—We have got two graphs made out which will explain better than anything else. They refer to the last twenty-five years.

(The graphs were handed over to the Chairman.)

66. Have there been any changes since the war in village organisation ? Has the power of the headman waned ?—Yes.

67. Has that been a factor in the increase of crime ?—Yes ; it is a distinct factor.

68. When did it come about, what date ?—It is very difficult to state. His powers have gradually waned. (*Mr. Clague*) : There were certain definite powers taken away from the village headmen by amendments to the Village Act in 1924. Those related largely to the fencing of villages, the reporting of strangers' arrival in the village, and so on, and it was found later necessary to restore them. Some of them were restored in 1927 by amendments again to the Village Act.

69. Have you any system of village watchmen in this province, chaukidars for example ?—(*Lt.-Col. Macdonald*) : No.

70. Whom do the police depend on for their information, the village headman ?—Yes, largely. The village headman is bound to report certain crimes. It is the duty of the village headman to report crime and render assistance, but we do not get the help that we used to get. There are good headmen and bad headmen still. But on the whole it is less than it was in the pre-war days.

71. One of the reasons of the increase of crime is said to be the economic causes following on the war. What are those exactly ?—The cost of living has gone up very very considerably. The ordinary wage earner gets the same sort of wage for his labour now as he got before the war, but the cost of his actual necessities, and what he considers necessities now, is very much higher. When I say what he considers his necessities, I mean he wants more than he used to want. He is learning to adopt western ideas and he likes a lot of things which in the old days he did not know of.

72. When you say he is a wage earner, what do you mean ?—The majority are working for other people. Most of them are working on a wage either in money or in kind, generally in kind. But he is only working for half the year roughly and he draws his wages for that half year and he has nothing to do for the rest of the year and if the wages are spent too quickly or are not sufficient he has nothing left for the rest of the year.

73. What is the difference there between that and the pre-war position ? Is it merely an increase in his wants ?—Yes. He is getting practically the same amount of wage and it goes a very much smaller way.

74. He has got more idle time than he had in pre-war days ?—No. He is doing the same work now.

75. Is crime greater, broadly speaking, say of robbery and violence, in the rural districts than in the urban districts ?—Undoubtedly.

76. Do you put that down to a higher standard of living and the townsman having more work to do ?—The townsman is no better than the rural man. He only goes in for a different form of crime. The town man goes in for lurking house breaking, whereas the rural man goes in for dacoity. The result is much the same.

77. Have you noticed in any particular district an improvement in crime by use of any particular methods ? The impression one has is that the general criminality of this province has always been high and that the mere presence of the police does not affect it very much. Can you give any instance of a district where the crime is now low and give any reason for it ?—I can give several causes. If a district gets out of hand and you get an outburst of crime which the local police are not able to deal with, you can look for causes near at hand. It generally means the personality of the senior officers. It probably means that your senior police officer is incapable of handling that district as well as he ought to or that he is not as well backed up by his senior subordinates as he ought to be. There is some reason near at hand for an abnormal outburst of crime and we remedy it either by taking that district superintendent of police away and putting another officer there who is supposed to be a more efficient man or by strengthening the district police by sending extra help ; and it has never failed to bring about an improvement in course of time, sometimes quickly, sometimes after a long time. I have only got one district really where I find it very difficult to effect any improvement.

78. You gave me an instance of bad districts. I want to know whether you have any district which is much better than others in respect of crime and whether you can give any reason for it ?—The converse is true. If you have got a very good officer and a very good staff in one district for several years, that would probably result in a very great improvement in the crime of that district.

79. Does a man who comes out of jail again go back to jail ?—Yes.

80. Do you think that your jails are schools of morality or schools of crime ?—It is outside my province. It is rather a complicated question. We have got what we call habitual criminals and non-habitual criminals. A habitual criminal is a man who goes to jail two or three times, though sometimes the worst man does not go to jail at all. He is too clever and gets other people to go to jail, he being at the bottom of a series of crimes. A dacoity is very often organised by one or two of such men, the people who take part being principally youths who had never committed a crime before or at any rate have never been suspected of having committed a crime.

81. Are there any agencies for the reforming of criminals ?—We have got a settlement at Paukkaung. I am not able to speak much about its success as it has been started only recently, two or three years ago. It is, I think, going to be taken over by the Salvation Army.

82. With regard to the transfer of Law and Order, you stated that you would not like to see that in any way come into touch with politics ?—Yes.

83. Of course you know that at home the police force has a political head ?—The London police, not the county police.

84. The Home Secretary is in charge of Law and Order ?—Yes.

85. We have local police. Would you like to have any sort of local control here ?—Not yet.

86. Do you think the Minister would be more liable to outside influence than the Member ? You have at present a Burman Member in charge of Law and Order ?—The Minister has got more or less to keep in with his party. If he is constantly flooded with petitions from members of the legislative council from the various constituencies to do this and to do that, it will bring discouragement to the whole force from top to bottom. There are a good many axes to grind.

87. Do they not raise such points in the council at present ?—They raise them and they can be thrashed out in the council and we consider all reasonable points and carry out what they say. But if we had a minister the Inspector-General of Police would cease to function.

88. Why ?—Because he would be simply flooded with orders to do this and to do that and we would not know where we were.

89. *Colonel Lane-Fox* : I notice on page 206* of Part II of the Government memoranda you speak of the difficulties of recruitment of the military police. I see that you mostly recruit men from outside the province. What would be the effect of separation on that ? If Burma is separated from India will it not be more difficult for you to recruit for your military police men from India ?—(*Lt.-Col. Macdonald*) : I do not think it would if we offer satisfactory terms for Indians to come. In the military police we would have to rely on Indians for a considerable time to come.

90. At present you are not able to get an adequate supply for your military police from Burma ?—No ; we are now making an experiment.

91. What time do you think it would take to get an adequate supply from Burma ?—It is purely theoretical. If Burma is separated the Burmans would come to realise that they have got to raise these forces within their own country ; I think they can do it. But that is simply a matter of opinion.

92. If you restrict recruitment to Burmans only how long do you think it would take to get your entire supply ?—In course of time, but I would not like to say how long.

93. We have been told elsewhere that the police force is unpopular owing to the low standard of pay and conditions of living. How far is that true in the case of Burma ?—That was the case till about four or five years ago. Since 1924 the pay of the lower ranks of the police has been very considerably improved and we are getting a very much better type of men now.

94. Is it not a fact that you are recruiting more men from India because they accept lower rates of pay than the Burmans ?—I was talking of the civil police. We have always had our military police recruited in India because they are more a semi-military force and the Burman does not take very kindly to the high standard of discipline we require in the military police.

95. We have been told that the Burman does not like to enlist in the military police because he would not take the pay that is offered ?—I do not think that is the case because we have enlisted the indigenous races in the military police. They do not mind the pay ; I do not say that the pay of the military police is very good but he gets rations which the civil police does not.

96. What pay does he get ?—I think he starts on Rs. 16 or 17, but he gets rations which work out to about Rs. 8 a month.

97. How does the pay and allowances of the police here compare with those prevailing in India ? —I think the pay is higher in Burma.

98. While replying to Major Attlee with regard to the transfer of the subject of Police were you at all influenced by the prejudice derived from India where conditions are different ? The main objection to the transfer in India is the communal question, while in Burma we are glad to notice that there is no communal trouble.—I was not at all influenced ; that is my opinion.

99. Why do you say that if police is transferred the position of the minister in charge will be much more difficult in the matter of dealing with crime than the position of an executive councillor ?—I think an elected minister is subject to much more pressure than a nominated member.

100. I can understand pressure being brought to bear on a man who is interested in his community to make him do things in the interest of that community, but I cannot understand where the pressure would come from in the interests of preventing proper detection and punishment of ordinary crime ?—It is rather hard to explain. It is simply the feeling throughout the force which I am voicing now.

101. *Lord Strathcona* : There has been some reference to political agitation and I find on page 25* of Part I of the Burma Government memoranda the statement that " Political agitation was practically " non-existent in Burma prior to 1918." Could you tell us whether in your opinion that political agitation was imported into this country or was indigenous ? —I can only tell you from hearsay ; I was not in Burma in 1918.

102. Could you tell us what you think from hearsay ?—I think it was partly imported and partly spontaneous as a result of the Montagu-Chelmsford scheme. When Mr. Montagu came out to India he promised certain advance in Reforms and that had its effects in Burma in the same way as it had its effect in India. The political awakening here was to some extent helped by the political agitation in India.

103. Further on in paragraph 48 we have got many references to the activities of the *pongyis* in politics, but more particularly I would like to read this passage where it says : " In 1925 a movement " was started in certain districts to refuse to pay " taxes. It was encouraged mainly by the *pongyis* " who spread rumours that Home Rule was at " hand, that the British Government was about " to leave the country and that a Burmese King- " dom would be established and all taxes abolished. " The methods adopted included intimidation " and assault, the cutting of standing crops and " the maiming of cattle, and in some areas military " police had to be employed to restore order." Do you still find that the *pongyis* are engaged in political activities of rather a dangerous nature ? —A certain portion of them are still engaged in political activities, but I do not think they have got the same following that they used to have. People are beginning to realise that the *pongyis* do not really know very much about politics.

104. One more statement to which I wish to draw your attention. On page 27* it is stated : " It was " widely believed that U Oktama, the prominent " *pongyi* whose conviction in 1924 for making " seditious speeches was noted in paragraph 48, had " contracted an alliance with the King of France, " that 10,000 foreign soldiers with four aeroplanes " were to come to help against the British, and that " the attainment of Home Rule meant the abolition " of all taxes." When such a damaging statement is made is there any counter propaganda initiated either by the Government or the police or any other service ?—(*Mr. Clague*) : There was very little possible under the circumstances because the people who go to listen to a man like U Oktama would not ordinarily come to listen to a man who is supposed to be a government servant or a partisan ; he would find it difficult in fact to get an audience.

105. May I put my question in another way. Is there any method at all in this country whereby the Government does or can engage in any counter propaganda ?—There is a *Headmen's Gazette*, a Government newspaper published and distributed to village headmen.

* Vol. XI.

106. Do you think that this has influence in checking the sort of propaganda to which reference has been made ?—I doubt it yet. It must influence some people, but the people who are credulous enough to believe this kind of thing will not be influenced very much by what they read when it comes from Government.

107. *Sir Arthur Froom* : Have you had communist troubles in this province ?—(*Lt.-Col. Macdonald*) : Practically none.

108. It has not extended here ?—No.

109. Supposing Burma was separated do you think that you would have any trouble in getting recruits for military police from India ?—If the conditions are attractive we will have no difficulty in getting men from India provided of course they are not stopped by India from coming over here.

110. In one province we visited we were told that Anglo-Indians as Inspectors or sub-Inspectors of police were of very little use. You have got a number of Anglo-Indians, have you not ?—Yes.

111. Do you find them satisfactory ?—Yes.

112. So you disagree with what we have been told in another province ?—Yes ; on the whole they make efficient officers.

113. Have you any trouble with the discipline of the police force ?—It is very hard to instil a lot of discipline into any Burman, but I think we have made it as good as is possible in the circumstances, considering that the Burman resents discipline.

114. That is the reason why your military police is drawn from outside Burma ?—The military police originated at the time of the annexation. The Burman does not like the military police because he resents the high standard of discipline we have to maintain in the military police as compared with the civil police. The military police are almost I might say military ; they perform the functions of the military to all intents and purposes on the frontier.

115. Supposing Law and Order were transferred and Burma remained a part of India, the recruitment to your force from the highest to the lowest ranks will become provincialised ?—Yes.

116. Have you got any opinions on that ?—I think the result of provincialisation will be that we will fail to get the same type of Europeans as we are getting now.

117. To get over the difficulties with regard to discipline in the force you want most efficient officers ? —Yes ; we must have a very high standard.

118. *Sir Hari Singh Gour* : Why do you say the provincialisation of the service will prevent you from getting European servants provided you pay them well ?—It is not only a question of adequacy of pay but of guarantee.

119. But supposing you had both there will be no difficulty. Adequacy of pay and security of tenure are the two things which will attract the best man, whether you call the service a provincial one or an Imperial one. As a matter of fact you do not at present send an Imperial Service man from Burma to, say, the Punjab or the United Provinces ?—It has been done.

120. That might have been in very few cases. But generally speaking, there is no inter-provincial transfer. Therefore the fact that you pay the man what he wants and give him absolute security of tenure will get you the men you require ?—He should definitely know that he is going to get a guaranteed pension.

121. Suppose he gets the same security of tenure under the Act, so long as by this security of tenure it is not meant whom to serve, whether a provincial service man or an Imperial Service man. Now, you are voicing the apprehensions of the police that if police is transferred then the minister might be open to influence. Now I wish to ask you in what way will the minister be open to influence to which the member is not at present exposed ? Can you give me one concrete case, any instance in which the susceptibility of a minister to influence will be greater than that of an executive councillor ?—Suppose we had a riot in one of our districts and one of the people concerned in that riot happened to be a member of the legislative council and his friends. And they said they were there to help to keep order, but the fact remains that from the police point of view they were really responsible for the trouble, for the clash between the crowd and the police. Now, I say we will get a fair deal if we had a member. We will not get the same deal from a minister because pressure might be brought to bear on him by the member of the legislative council and his friends.

122. That is a sort of example which it is very easy to give, and has been given. But I will tell you that the point that I am making is this. If the member or the minister in charge of the police is not to interfere with the day-to-day administration of the police, then it does not matter whether he is a member or a minister who is in charge. You as Inspector-General of Police will say, " this is not a " matter of policy, this is a matter of administration " of the police and I am the sole judge of it, and not " being a matter of policy you shall not interfere." Then there is an end of the matter. The minister is not responsible and is not liable to anything else beyond the control of the policy. He enunciates a certain police policy. Because a head constable is dismissed he does not come and say, " please do not " dismiss him, or do not promote that inspector." That is not his business. You deal with the day-to-day administration. It is only done by the permanent official.—Yes, but his influence might affect the policy of the department and public safety.

123. *Sir Hari Singh Gour* : You have given a very good example of where the minister might influence the day-to-day administration of the police. But I point out to you that if rules are made—and rules ought to be made—that the minister is only responsible for the enunciation and control of policy and not for the day-to-day administration of the police that apprehension ought to cease.

The Chairman (*Lord Burnham*) : A minister has a right to interfere, has he not ?

Sir Hari Singh Gour : No, sir. A minister has no right to interfere and say whether a policeman should be dismissed or not. I think Sir John pointed that out.

The Chairman (*Lord Burnham*) : It is all a matter of degree.

124. *Sir Hari Singh Gour* : Supposing the minister has his duties clearly defined and he is simply in charge of the control of the department and enunciation and control of policy, then I do not think the apprehension you have as regards the day-to-day administration ought to stand ?—I think the apprehension will still remain.

Sir Hari Singh Gour : Apprehensions will always remain. We have all sorts of apprehensions about the unforeseen future . . .

The Chairman (*Lord Burnham*) : But our case is not quite what you think. The Home Secretary fairly often takes up cases of individual constables. I myself in early days took part in a police debate which turned on the conduct of a constable, when the Home Secretary's position was in great danger. Therefore it is not the case that he is not responsible for the individual constable. So far as the Metropolitan Police goes in England he is responsible. Ordinarily the business is transacted by the Chief Commissioner, but they can raise questions in Parliament, and questions have been raised within my knowledge touching the actions of individual constables.

125. *Sir Hari Singh Gour* : Yes, My Lord, that is what I am coming to. As regards a police constable's conduct, his promotion and the like, the matter can be raised to-day by any member of the legislative council.—Yes, can be raised, but he cannot interfere with it.

126. A member may say that a certain police constable has been wrongly dismissed and therefore he moves that the House do stand adjourned. There are many occasions when the police vote comes up.

when possibly you have one or more "token cuts" when members can ventilate their grievances, saying that a certain gentleman was wrongly dismissed or that he should have been dismissed, and things of that kind. You have got that now.

Colonel Lane-Fox: But the member does not lose his job now.

The Chairman (*Lord Burnham*): If the legislative council passes a vote of no confidence the minister has to resign. A member does not.

Sir Hari Singh Gour: That is all the difference, that is to say, that in the one case there is fixity of tenure; in the other case there is no fixity of tenure. But supposing a means is devised for the purpose of ensuring fixity of tenure for the minister during the life of the council, or if it is laid down that there should be a two-thirds majority to remove a minister or that a vote once carried should be confirmed subsequently, then that danger would be averted. He will not have that fear of a snap division turning him out of office. I think you have that in Germany. There the ministers are irremovable.

The Chairman (*Lord Burnham*): I did not quite follow that question.

127. *Sir Hari Singh Gour*: I do not wish to press that question. All I wish to point out is this, that if there is apprehension your province will not be the only province where there would be apprehension. But when you analyse the reasons on account of which these apprehensions exist these reasons are not at all insurmountable. On the other hand you let fall a statement, a very clear statement, a very good one and a perfectly true one, because that is a statement which has been made elsewhere to the effect that because Police is a reserved department it has been made the target of attack by the legislative council. And if yours were still to continue as a reserved subject which is vested in the bureaucracy, the council will say, "you go into that corner; "that is the last shelter of the bureaucracy" . . .— I do not mind what they say.

128. Of course you have control of the force and you do not mind what they say.—No.

129. As regards importation of Indians into the police service, if there is separation and the Indians in Burma are placed under political disabilities and India retaliates by withdrawing labour, that is to say, prohibits emigration of labour to Burma, as it did in the case of Malay, Ceylon and British Guiana, do you not think that you will suffer, that your police force will be impaired?—Would India be able to withdraw the people already in Burma?

130. No, India does not want to withdraw the people already in Burma, but they will not give any reinforcements.—In that case I think Burma might be able to pull through, because the number of casualties among the Indians will be just about the number of Burmese that would be available to put in their places.

131. *The Chairman* (*Lord Burnham*); That would not affect the Nepalese?—No. Supposing we are able to enlist 100 or 200 Burmans per annum. That is all the casualties that we have among the Indians.

132. *Sir Hari Singh Gour*: As regards the Gurkhas, we have been told by military authorities in India that the supply of Gurkhas is limited. It is not an unlimited supply. Is that not so?—We get all our requirements.

133. *The Chairman* (*Lord Burnham*): You give better pay, do you not?—I do not quite know what the pay in the army is. We used to give larger pay, but it has levelled up a bit.

134. *Sir Hari Singh Gour*: The supply of Gurkhas is very limited?—(*Mr. Clague*): There is no doubt about their keen desire to come to Burma. (*Lt.-Col. Macdonald*): The Gurkha wants to settle down in Burma.

135. Indians want to settle in Burma, but the Burma for Burmans League says, "out you go." The Gurkha wants to settle down here, and if you give him the right to settle down here he will come. Indians want an open door. If you give them an open door they do not care whether you have separation or no separation.

On page 24* (Part I, Burma Government Memorandum), paragraph 47, there is one sentence from the police report which I would ask you to say something about. "In its comments on the murder statistics "the annual police report notes: 'The principal "motives appear to be sexual passion and jealousy. "Drink and gambling have only been responsible "for a small number of cases. Entire lack of self-"control is manifested in the majority.'" Now, may I have your valuable opinion as to how far the entire lack of control is responsible for the majority of the cases of murder and very serious crime. The high percentage of crime in Burma is temperamental?—Well, about four years ago there was a committee appointed to deal with this question, that is, to advise on murders and dacoities in Burma, and that committee, which was presided over by a member of the High Court, Sir Benjamin Heald, has given a small appendix in which they show causes or contributory factors in 123 cases resulting in death which were before the High Court from January to June, 1926. And they put down: Drink 35 cases, sudden quarrel without premeditation 30; quarrel at *pwes* or similar entertainments 21; domestic quarrels 13; quarrels with premeditated violence 13; quarrels possibly with premeditation 11; gambling 8; lust 6; gain 4.

136. That exactly bears out the police report, namely, that the majority of the cases are due to entire lack of self-control.—(*Mr. Clague*): Sexual passion and jealousy are responsible for a number of cases; drink and gambling have been responsible only for a small number.

137. *Sir Hari Singh Gour*: That is borne out by the statistics just read out by Lt.-Col. Macdonald.—(*Lt.-Col. Macdonald*): That was for six months. I have the same thing here for three years, and the results are slightly different: Out of a total of 2,096 cases, 137 or 7 per cent. were for gain (dacoity, robbery, housebreaking and human ransom), 987 or 47 per cent. were premeditated and 972 or 46 per cent. unpremeditated. Of these 2·8 per cent. were committed by hired assassins, ·6 per cent. due to politics, 1·8 per cent. due to gambling, 2·1 per cent. the result of rape, 1·6 per cent. due to insanity, 4·2 per cent. due to drink and 2 per cent. while resisting arrest.

138. More or less you are saying that this statement is correct?—That is correct.

139. In other words, generally speaking, the high degree of crime in Burma is temperamental at the present moment?—That high degree of violent crime.

140. Yes. Now, I think that is what accounts for the lack of discipline. The emotional character of the people is responsible for the lack of discipline which you just now mentioned as regards the military police?—Yes, a great deal of it is due to the monotony of discipline. The Burman takes very kindly to anything but he tires of it quicker than most other people. He can learn a thing quicker than most people but he gets tired of it quicker.

141. He is not a sustained worker?—No.

142. Have you got any martial races in Burma? I was surprised to read a statement this morning in the proceedings of the Karen National Union that they like the free life of the birds in the jungle that flit free through the woods. They say: "It has "been asked by recruiters why Karen young men "have not been coming in so quickly and why there "have been so many desertions? The answer is "not far to seek. It is quite natural that the birds "in the jungle that flit free through the woods do "not like to give up their happy abode in exchange "for the golden cage laden around with delicious "fruits in the dreamy land. How much more un-"willing would they be if they knew that the cage "was but iron and that occasional starvation formed "part of the routine life in it. Again fancy the life

* Vol. XI.

" of a bird, once free and happy in the woods, but " now tortured by pokes of pricks and by pinches " from the claws of the hawks and kites that invari- " ably don the cage." Is that true ?—I could not tell you.

143. *Sir Zulfiqar Ali Khan* : The figures you have given indicate that the police service was not so popular with the Burmans as with the other races ? —The military police. The civil police is very popular.

144. Why is the military police not popular ?—For the reason that I have given, that they do not like this discipline, as compared with that of the civil police.

145. You think then that it is not popular ?—I think we have got to teach them to become semi-soldiers.

146. Then in the civil police do the Burmese rise to high grades of service ?—Yes.

147. What is the highest position ?—There is no reason why they should not rise up to be Inspector-General of Police, but they have not risen so far.

148. What is the highest grade that they have come up to ?—District Superintendent of police.

149. They have not gone up higher than that ?—No.

150. Was it on account of their want of aptitude or ability ?—No, they are not yet senior enough to go higher up since we started recruiting Burmans to the higher services. In the old days we used to have listed posts, that was promotion from deputy superintendents to district superintendents, of which there were two or three. When a Burman rose from deputy to district superintendent his time for retirement came, or else he had to be superannuated, before he became entitled as a matter of seniority to promotion.

151. With regard to the military police you say that the pure Burmans do not like to enter it because of the stern discipline maintained therein, but what about the mixed Burman, for example, the Mussalman-Burman, or the Hindu-Burman ?—There are very few Hindu-Burmans.

152. What about the Zerbadis ? Would they not like to enter the military police ?—I do not think so ; they are in practice just like pure Burmans.

153. Have you tried them ?—Yes, in the year after the war I had experience of Burmans, Zerbadis and Karens. The Zerbadis and Burmans were mixed in one company. The Karens were in a separate company. The Zerbadis showed no greater liking for army life than the Burmans did, although of course all of them liked it for some time in the beginning.

154. Then the other thing that I should like to know is this. Can you tell me, for example, whether a Chinaman is more popular with the Burman than an Indian ?—That is a very difficult question indeed.

155. You see that there is a general feeling that the Burmans want separation from India and they do not want Indians here. What I want to know is whether there is any similar cry against the Chinamen ?—There is no cry against the Chinamen, because Burma is not tied to China, but that is no criterion that the Chinamen are more popular in Burma.

The Chairman (*Lord Burnham*) : It is after all a matter of opinion as to the relative popularity of the Chinaman and Indian in Burma. That is not very important.

156. *Dr. Suhrawardy* : Is it not a fact that Law and Order being a reserved subject police grants rejected by the legislature can be restored by certification by the Governor ?—Yes.

157. And then is that not one of the reasons for your opposing the transfer of Law and Order, because when it becomes a transferred subject, the Governor loses his power of restoration of police grants by certification ?—That is one of the reasons.

158. Apart from that, you do not want Law and Order to be transferred to popular control because ministers will be liable to be influenced by their constituents as well as by their colleagues in the council ?—That is true.

159. I was asking whether that is not another additional reason ?—Yes.

The Chairman (*Lord Burnham*) : I believe the Governor has power to certify such expenditure in the case of the police department. Under section 72D (2) (b), " the Governor shall have power in " cases of emergency to authorise such expenditure " as may be in his opinion necessary for the safety " or tranquillity of the province, or for the carrying " on of any department." I think that is the position.

160. *Dr. Suhrawardy* : With regard to certain questions put to you by Sir Hari Singh Gour about the transfer of Law and Order, I may put just one question to clear up the matter. Supposing the Inspector-General of Police is invested with all the powers and protection enjoyed at present by the member in charge of the portfolio of Law and Order, and the minister remains a mere figure-head in charge of policy, would you be still opposed to the transfer of Law and Order ?—I cannot see how the minister is going to be reduced to the position of a mere figure-head.

161. He will simply get up in the council to formulate the policy, but the Inspector-General will be the *de facto* member in charge of Law and Order just as the present member in charge is, and will enjoy all the powers and protection and security of tenure of office. Would you be still opposed to the transfer of Law and Order ?—If the minister is going to be a mere figure-head, as you say, then I can see no objection, but if the minister is in the position I understand him to be, my objection remains.

162. *Sardar Shivdev Singh Uberoi* : As regards corruption in your department, is it to be found both in the higher ranks or the rank and the file ?—Generally in the lower ranks only. As you work up the scale, I think the percentage is very much lower.

163. In one place we visited I think the Inspector-General gave us the percentage of corruption in his department. Could you give us some estimate of that nature ?—I am afraid I cannot. I think what you refer to is the statement of one Inspector-General that 99 per cent. of the constables, 77 per cent. of the sub-inspectors, and so on, were corrupt. It is impossible to say, but I think you might find petty bribery and corruption going on wherever there is opportunity. It is not sought particularly, but if people like to give, they like to take.

164. Could you tell me what steps you have taken, for instance last year, as administrative head of the police, to check corruption in your department ?—We try to raise the educational standard of the whole force of constables, head constables and sub-inspectors. That helps. It is part of the curriculum at the Police Training School to lecture on the duties of the police towards the public, and of course bribery and corruption form part of that subject. When we catch anybody guilty of any corrupt practice, he is tried and sent to jail if there is sufficient evidence. If there is only just strong enough evidence for departmental enquiry, we dismiss them.

165. Of the cases against officials of your department, could you tell me how many have been dismissed for corruption, or prosecuted in court for corruption ? If it is not ready here, will you please send the statement on to me ?—Yes ; I have got a statement showing the number of convictions and dismissals.*

166. *Mr. Rafi* : Colonel Macdonald, I understood you to say that it was difficult to get members of the police advisory committee to take interest in their work ?—Yes.

167. Is that not due mainly to the fact that the subjects coming up for discussion before the advisory committee are of no interest to the members, or not considered by the members to be of any interest to

* *Vide* Appendix B, p. 467.

them ?—But they can bring up their own subjects for discussion if they want to.

168. Who prepares the agenda ?—They have periodical meetings, and all members of the advisory committee are invited to send in any subject which they consider should be discussed, and the district superintendent of police has his own subjects which he wishes to discuss with them.

169. Is there any rule to that effect, any well-understood rule to be found in your notifications or manuals whereby members are required to send up suggestions, or which gives them an opportunity of sending up suggestions ?—They are pretty clearly laid down in a circular I issued three years ago. We had trouble in the Insein advisory committee, and I had to lay down certain rules to clear the situation.

170. You say that the police had a fund for the purpose of defraying the cost of defending false cases brought against them. Have you got any figures to show how many false cases have so far been brought against the police ?—That is in the Pegu district. It is entirely a private fund.

171. It is confined to that particular area ?—That is all.

172. Apart from that, can I have figures showing how many cases brought by police against people have been classified as false in courts ?—But the police do not institute these cases. They are reported to the police station and they have to investigate them. The police do not initiate them.

173. I quite follow that. But there are cases sent up to courts by the police ; and what I mean is in cases of that nature, how many of them are classified as false in courts ?—I cannot tell you off-hand. I could get you the figures later if you want them.

174. I am referring to cases investigated by the police. I want to know how many of them come to be classified as false ?—I can only give you a rough idea. About 20 per cent. of the reported cases are after investigation not sent up for trial or further investigated, being considered either as false or mistaken. Supposing, for instance, we find a dead body in a forest. A report is first sent in to the police, who enter it up as a case of murder. The dead body is next sent to the hospital, where the medical examination shows that death was due to natural causes. Then that is a mistaken case of murder.

175. With reference to the attacks made by the legislative council against the police, I should like to read out to you three or four lines from the memorandum submitted by the Associated Chambers of Commerce of India and Ceylon : "The surest "way to make those responsible for governing "realise the need for an effective and active police "force is to make them responsible for the maintenance of order so that their countrymen will "hold them to blame if they fail to secure that "safety of person and property to which the citizen "is entitled. So long as the maintenance of law and "order is in any form reserved, criticism will be "more directed against the methods adopted by "the bureaucracy and police to preserve the peace "than against those sections of the populace which "are disturbing it." Do you find yourself in agreement generally with that view of the Associated Chambers of Commerce ?

The Chairman (*Lord Burnham*) : There was a great deal of controversy as to how far that view may be said to represent the opinion of the Associated Chambers as a whole. It is said that it was the view of the majority of the Chambers and there was a controversy as to whether that was not the view only of the majority of those who were present at the meeting. So that it was after all only a qualified opinion.

176. *Mr. Rafi* : Is there anything in it with which you find yourself in agreement ?—I do not agree with it altogether, because it is trying to put the blame of the whole of the crime on to the police.

177. It is not trying to put the blame on the police at all. It speaks only of the possibility of the creating a higher sense of responsibility in the people by transferring Law and Order. That is how it is viewed.

The Chairman (*Lord Burnham*) : A fair way of putting the question is this : Would the transfer of Law and Order result, as Mr. Rafi says, in a higher sense of responsibility on the part of the people of Burma with regard to crime ?—I cannot say, sir.

178. *Mr. Rafi* : You thought that if the police were transferred, political pressure might be brought to bear on the minister in charge which might affect the morale of the force. Can you from your present experience tell us if any political pressure has been brought to bear upon any of the ministers you are familiar with which has affected the efficient working of the different departments of which they are in charge ?—I have no knowledge of the working of other departments ; I am only talking of Law and Order.

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180. You say that political agitation imported from India was responsible for the political agitation in Burma. Do you mean that politicians came over from India and started an agitation here or that the people, having been awakened politically, were better able to follow the trend of events in India ?—That is mostly what I meant. I think a few came over from India. I do not say it is on account of Burmans in Burma. It was Indian agitation in Burma.

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182. I see drink is responsible for a good deal of crime committed in this country. I think from what you have read out that is the principal cause ?—I do not think that is so.

183. At any rate it is one of the important causes ?—It is one of the causes ; but I do not think it is one of the important causes.

184. Would you like to see a less number of liquor shops in Burma ?—I would ; but I do not think it is the number of liquor shops which is so important as the impossibility of controlling toddy.

Lord Burnham : It is stated in the Annual Police Report (page 19 of Part I) that drink and gambling were responsible for a small number of cases.

185. *Mr. Rafi* : On page 206* of the memorandum, Part II, page 134, it is stated : "An experiment with "Burmans during the war proved unsuccessful. "The results of a further experiment now in progress "with a Burmese company have not so far been "encouraging owing to the large number of desertions." Is that right ?—Yes.

186. You are trying to raise two or three battalions of military police ?—One company.

187. How far have you succeeded ?—The company is 105 strong. We have now after a year got 95 Burmans in the company. Out of 148 enlistments 53 have deserted and 95 are remaining.

188. *U Aung Thin* : Until lately we had Burman regiments and their records as far as we have heard have been very satisfactory during the war. They were raised during the war and have been kept on after the war ?—Yes.

189. If the Burman regiments were considered to be successful then, there is no reason why there should not be an adequate number of competent men coming forward for the military police ?—We are experiencing the same difficulty now in the military police as the regiments experienced in the war ; that was, considerable desertions.

190. That may be put down to lack of attractiveness in the matter of pay, the pay being very small ?—I think it may be put down to the Burman's dislike of restraint, his dislike of discipline.

191. They have enough of the fighting qualities ?—I think the Burman would make a good soldier if he was trained sufficiently long.

192. Do you not think that the pay is very small from the Burman standpoint, both for the soldier and the military police ?—I cannot agree with that,

* Vol. XI.

because the military police pay, although very small, is increased by the grant of free rations which brings up the pay to that of the civil police. A sepoy gets Rs. 14, 16, 18 or 20 according to the length of the service, and he gets rations worth Rs. 8 a month. The civil police gets from Rs. 22 to 30. We are getting a very good type of man for the civil police, and we cannot get a good type of man for the military police.

193. With regard to the Government memorandum on separation,* I just want to draw your attention to the resolution passed in 1924. The resolution recommended that all subjects except foreign relations and defence should be provincialised, all provincial subjects should be transferred and that the Burma Government should be empowered to reconstitute Burma services on provincial lines. This resolution was carried by a majority of forty-one votes against twenty-three, and I understand that you voted with the majority. So I put it to you that you agreed to that type of Government then, and you would not go below that standard now ?—(*Mr. Clague*): The debate centred on the question of separation, and I voted on that.

194. But you agreed to the first resolution that all subjects except foreign relations and defence should be provincialised, and so on ?—It is not a matter I am prepared to discuss now. I say the debate centred on separation, and I voted on that.

195. *U Ba Shin*: Colonel Macdonald, could you tell us the percentage of Burmans recruited for the higher police force, such as the assistant superintendent of police ?—(*Lt.-Col. Macdonald*): The Lee Commission laid down 50 per cent. European and 50 per cent. Burman, of which 30 per cent. were to be by direct appointment and 20 per cent. by promotion from deputy superintendent to district superintendent of police.

196. From the statement that you have furnished, so far out of thirty-two only four Burmans were appointed; that works out to about 8 per cent. ?—In the Burmans you must include Anglo-Indians domiciled in Burma. They come under the same head. (*Mr. Clague*): It is only from the 1st January, 1925, that the recruitment is on that basis.

197. We have been told that the Burma crime record is notorious. Has any attempt been made by the Burma Government by way of statistics to find out what percentage of crimes were committed by the non-Burmans ? For instance, a Chinaman may commit a crime, an Indian may commit a crime, and anybody may commit a crime, and you put it on the shoulder of the Burman ?—(*Lt.-Col. Macdonald*): It is a very small percentage. We worked it out three years ago. It is a very small percentage of non-Burmans. The figures are recorded somewhere.

198. How long did it take to capture the notorious outlaw by name San Pe ?—Eight months.

199. And an enormous expenditure of Rs. 45,000 had to be incurred by the Government and military had to be called in ?—I was on leave at that time.

200. Do you not think that if the charge of Law and Order were given to a minister it would be easier to apprehend a criminal like that with the aid of public opinion ?—That was where public opinion failed, and that was why we took eight months to capture him, because he was being sheltered everywhere he went and the police cannot capture a man if he is hidden by the people.

201. *Lord Burnham*: The number of undetected crimes is rather shocking. Out of a total of 30,900 crimes, 11,261 were undetected.—Against this there were over 16,000 convictions.

* * * * * * * * *

203. *Sra Shwe Ba*: Does the Karen as a rule take to crime ?—(*Lt.-Col. Macdonald*): In certain localities he does, but not to the same extent as the Burman.

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208. *Mr. Hartshorn*: I notice from the documents that in 1919 you just about doubled the pay of the district police; it has gone up from Rs. 15 to 30. I should like to know whether that has in any way affected the type of recruits ?—Undoubtedly.

209. You get a better class ?—Very much better.

210. In what way ?—We are getting a higher standard of education among the lower ranks. In the old days the pay attracted no decent policeman at all. I remember the days when the pay was Rs. 9 or Rs. 11 a month, and we used to get the riffraff of the villages, and we had to be content with that. Then the pay was gradually raised, but we have never got satisfactory recruitment until the last revision of pay in 1923, when the pay was considerably raised. I think it went up from Rs. 17 to Rs. 24 straightaway. It was a big rise, and now we are getting a good type.

211. Your experience shows that the type of men in the police force depends largely upon the amount of pay that you offer ?—Yes, that is so among the lower ranks. For the middle ranks, i.e. the sub-inspectors' class, we are getting a better type of men not on account of any increase in pay, but due to intensive propaganda making the police popular among the people; the police are becoming more popular among the public now; and I think the public are beginning to realise that we are a better force in every way.

212. Can you give us the percentage of literates amongst your police force ?—Practically all Burmans are literate.

213. *The Chairman* (*Lord Burnham*): I have your statement showing the number of true cases under classes 1 to 5 dealt with by the police during the years 1920-27. For 1927 you give these figures:

Convicted	16,439
Acquitted	3,200
Undetected	11,261
Total	30,900

That is a correct statement, I suppose ?—Yes.

214. Do you think that you have got much chance of decreasing the amount of undetected crimes ?—Not very. We never get much better than 60 per cent. of convictions.

* Vol. VI.

APPENDIX A (*vide* Q. 40, P. 459).

STATEMENTS FURNISHED BY THE INSPECTOR-GENERAL OF POLICE, BURMA, SHOWING THE NUMBER OF CASES OF SERIOUS CRIME AND THE NUMBER OF TRUE CASES.

Year.	Convicted.	Acquitted.	Undetected.	Total.	Percentage.
		MURDER.			
1920 ..	156	163	302	621	25
1921 ..	166	168	293	627	26
1922 ..	153	146	307	606	25
1923 ..	147	189	320	656	22
1924 ..	199	200	364	763	26
1925 ..	207	222	429	858	24
1926 ..	266	201	396	863	31
1927 ..	239	213	349	801	30
		DACOITY.			
1920 ..	103	56	134	293	35
1921 ..	95	69	168	332	29
1922 ..	80	82	202	364	22
1923 ..	102	81	204	387	26
1924 ..	173	97	309	579	30
1925 ..	178	119	422	719	25
1926 ..	214	84	239	537	40
1927 ..	200	104	162	466	43
		ROBBERY.			
1920 ..	279	174	308	761	37
1921 ..	298	133	292	723	41
1922 ..	334	123	356	813	41
1923 ..	285	129	309	723	40
1924 ..	385	173	445	1,003	38
1925 ..	429	222	724	1,375	31
1926 ..	485	178	760	1,423	34
1927 ..	507	222	644	1,373	38

STATEMENT SHOWING THE NUMBER OF TRUE CASES UNDER CLAUSES I TO V DEALT WITH BY THE POLICE DURING THE YEARS 1920 TO 1927.

Year.	Convicted.	Acquitted.	Undetected.	No. of cases in which investigation was refused.	Total.
1920	17,065	3,614	12,320	2,796	35,795
1921	16.267	3,267	12,404	2,700	34,638
1922	15,518	3,143	12,624	2,733	34,018
1923	15,364	3,331	12,473	2,680	33,848
1924	16,663	3,632	14,000	—	34,295
1925	15,731	3,478	13,054	—	32,263
1926	16,679	3,115	12,336	—	32,130
1927	16,439	3,200	11,261	—	30,900

Note.—Cases in which investigation was refused are excluded from the number of true cases from 1924 onwards by order of Government of India.

APPENDIX B (*vide* Q. 165, p. 464).

STATEMENT FURNISHED BY THE INSPECTOR-GENERAL OF POLICE, BURMA, SHOWING THE NUMBER OF POLICE OFFICERS AND MEN PUNISHED DEPARTMENTALLY OR MAGISTERIALLY ON ACCOUNT OF EXTORTION AND BRIBERY DURING THE YEARS 1924–1928.

Year.	Number of police officers and men punished departmentally by removal or dismissal.	Number of police officers and men convicted magisterially and removed or dismissed.	Total.
1924 ..	10	10	20
1925 ..	7	7	14
1926 ..	6	11	17
1927 ..	3	5	8
1928 ..	12	5	17
Total	38	38	76

MADRAS.

Dated, 20th February, 1929.

Morning.

PRESENT :

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE AND OF THE MADRAS PROVINCIAL COMMITTEE.

Mr. S. V. RAMAMURTI, I.C.S., Secretary, Provincial Committee (formerly Reforms Officer).

1. *The Chairman* : You are a member of the Indian Civil Service, I think ?—Yes.

2. And you have been detailed for special duty as Reforms Officer ? How many years' service have you had ?—Sixteen.

3. Has that been for the most part in the districts ? —Yes, till about a year ago.

4. And I think you have been taking part in preparing a lot of material for the Conference. * * * Then, turning over to page 186,* there is an interesting table which analyses the composition of the three councils which were elected in 1920, 1923 and 1926 from the point of view of race or caste. The thing that strikes one at once on looking at it is that the non-Brahmin members in the first council were sixty-five—fifty-seven elected and eight nominated and *ex officio*. In the second council they were sixty-nine, and there were sixty-one elected and eight nominated and *ex officio*, and in the present council there are sixty-six—fifty-six elected and ten nominated and *ex officio*. This is a rather striking figure in view of the fact that it was thought necessary, was it not, to reserve seats specially for the non-Brahmins ?—Yes.

5. Just let us turn to the other book and look at page 323,* at the bottom of the page. It says : " Under rule 4, Madras Electoral Rules, certain " seats are reserved for non-Brahmins in certain " constituencies. In Schedule I of the said rules, " the number of seats reserved for non-Brahmins is " shown. Twenty-eight seats are so reserved." If I understand rightly, the ordinary justification offered for reserving seats in plural-member constituencies for a particular class of person is that it is necessary to resort to that device if you are going to make sure that that class of person is adequately represented. That is the reason which has been given. Now look how it works out. " In the 1920 general election no " non-Brahmin entered the council by reason of the " reservation of seats, that is, all the non-Brahmins " who got in did so by being at the top of the polls " —all the twenty-eight. " The same was the case " in regard to the general elections of 1923 and of " 1926, when all the non-Brahmins who entered the " Council did so by either being returned unopposed " or by being at the top of the polls."—Yes.

6. It is a striking fact, is it not ?—Yes.

7. Now, what I do not quite follow is the sentence which completes that page. I see the book says : " It cannot be said, however, that there would have " been the same results had there been no reservation " of seats." Would you explain that to me ?—The view of the Madras Government was that when a certain number of non-Brahmins must be elected, there would be a tendency to elect more than that number ; but if a particular number was not fixed, the number elected might or might not reach or exceed that number. The risk, however, of an adequate number of non-Brahmins not being elected has been considered small, and the Madras Government have now proposed to abolish the reservation of seats for non-Brahmins.

The Chairman : If we go back to the Southborough Report, I think it contained a suggestion that there should be a reservation of seats for non-Brahmins. It was the result, certainly, of representations which were made before the scheme was started.

Sir A. P. Patro : May I say that the non-Brahmins did not want reservation of seats in the beginning ? Before the Joint Select Committee and before the Southborough Committee they did not press for reservation of seats ; it was a reservation given to them in spite of themselves. The plea that was put forward by the non-Brahmins was that they should have separate electorates.

8. *The Chairman* : I see. At any rate, it is rather a striking fact for the Conference that, however it came about, the adoption of reservation of seats, which I presume was actuated by a desire to make sure that non-Brahmins should not fail to be sufficiently represented, has in fact not turned out to be a necessary device. That seems to be so, does it not ?

Sir A. P. Patro : The Southborough Committee apprehended that in view of the particular and special circumstances of this province, the non-Brahmins might not be able to come in without having reserved seats.

9. *The Chairman* : To put it in quite blunt language, that was the fear of the Brahmin, was it not ?—Mr. Bhore points out to me that the Joint Select Committee, when it considered the draft rules, contains this passage ; it is in the Red Book, page 159 : " The " Committee "—that is, the Joint Select Committee— " have further considered the method proposed by " the Government of India for working the reserva- " tion of seats, and the objections advanced—par- " ticularly by Madras non-Brahmins—against this " proposal." Madras non-Brahmins before the Committee objected to it. " They endorse the proposals " of the Government of India. The Committee's " intention in recommending the reservation of seats " for the non-Brahmin and Mahratta communities " was to ensure that (granted sufficient candidates " were forthcoming) there should be at least as " many non-Brahmin (or Mahratta) representatives " returned by a constituency as there were seats " reserved." That aspiration has been realised, has it not ? * * *

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12. *Lord Burnham* : What does " landlord " mean ?

The Chairman : Lord Burnham asks, what do you mean by a landlord here ? You have the expression landowner ; you have got, if I remember rightly, six seats reserved for landowners.

Sir A. P. Patro : Landholders, sir.

The Chairman : Landholders ; I beg your pardon. Now, how does " landlord " compare with " land- " holder " ?—Landholders are landlords of three particular categories. They are described on page 312 of the document * : " Zamindars possessing an " annual income of not less than Rs. 3,000 derived " from an estate within the Presidency, *jenmis* of " land situated within the Presidency on which the " assessment is not less than Rs. 1,500, and *mali-* " *khanadars* receiving from Government an annual " *malikhana* of not less than Rs. 3,000." Those are

* Vol. VI.

the three kinds of landlords who constitute landholders for the purpose of the constituency.

13. Is that the qualification both for voting in a landholder's constituency and for being a candidate ?—Yes.

* * * * * * * * *

17. Evidently the landholder's constituency is limited to very large landholders ?—Big zamindars.

18. About how many are there altogether ?—Six come in through landholders' constituencies, five zamindars come into general constituencies, and one has been nominated for the backward tracts.

19. You have not understood me. About how many people have got votes altogether in the landholders' constituencies ?—598.

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25. *Mr. Hartshorn* : Would some of these thirty-eight landlords in the present council be drawn from these landholders with an income of Rs. 3,000 ?—Yes ; they include the six landholders who come from the landholders' constituencies.

26. Yes, but I mean, would some of them returned for general constituencies have an income of that sort ?—Yes.

27. *The Chairman* : That suggests this reflection, you see, that apparently the great landholders do to some extent, to this day, get returned by general constituencies, and they have not got to rely solely upon the special landholders' constituency for representation ?—It has been so.

28. On the other hand, I suppose it might be fairly said that a man who was a member for a general constituency, and responsible, therefore, to a mixed, general set of voters, is perhaps not quite in the same position as a man who is definitely elected by his fellow landholders ?—Yes.

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34. Then apart from that you have special interests, landholders, six of them, then Madras University, I think ?—They have one seat.

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39. *The Chairman* : You are an official witness, and I do not want you to go beyond the point which you find in your judgment right, but I would just like to know this. Can you help us as to whether the list of registered graduates, which is a very large one, in universities forms a constituency which is different in point of outlook from a general constituency ?—I think so.

40. I do not wish to ask any personal or invidious question, but do you consider yourself that it has operated in such a way as to return to the council members of quite special educational and academic qualifications, so that they add a new element which would not otherwise be there ?—I do not think it has done so in practice.

41. University representation, in the view of some people, if it can be justified at all, must be justified on the ground that it contributes to a legislature a special outlook—a man of special training or accomplishment, who is able to make his own contribution, like Sir William Anson, like Sir Richard Jebb, and people of that sort—distinguished scientists or distinguished scholars. Do you think it has operated in that way ?—It has not so far done so, though there are such men in the electorate.

42. I am sure there are. The whole point is, are they the people who get in ?—No.

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62. *The Chairman* : * * * When the time is coming for there to be a general election, is there a provisional or preliminary electoral roll prepared by the authorities ?—Yes.

63. Who do it ?—Mostly special Revenue Inspectors in the districts. They go about the different villages, see the village officers and make up the lists.

64. Then do they publish these draft lists ?—Yes.

65. *The Chairman* : Then there is an opportunity for people to take objection, and apparently they do so to some extent.

Sir A. P. Patro : The district sheets are sent to the villages.

66. *The Chairman* : Then do you know where they are put up ?

Sir A. P. Patro : In the village hall.

67. *The Chairman* : * * * There is one other thing I want to mention, and that is the qualifications for the franchise. It is on pages 311–312.* I do not want to bother about technical details ; the thing is to get hold of the main idea. I do not care which we start with ; we might start with the urban constituencies. As I make out, in the urban constituencies a voter will have a vote—may one put it broadly—if he is a payer of some direct tax ?—Yes.

68. Property tax, tax on companies, profession tax or income tax ?—Yes.

69. However little he pays ?—Yes. There is no limit ; that is, for the urban constituencies. For the rural constituencies there is a limit.

70. I was keeping to urban for the moment. In the urban constituencies, as I gather, a person has a vote if he pays a direct tax of various kinds ?—In Madras there is no limit ; in other municipalities it is over Rs. 3.

71. Then is this quite right, what is said at the bottom of page 311* : " for Urban Constituencies—" Assessment to taxes, such as property tax, tax on " companies, profession tax or income-tax ; or "—then it goes on—" in Madras, the occupation," and so on.—I did not mention the limit there.

72. You understand, I am sticking to urban constituencies ?—Yes.

73. What I want to know is just this, and it is not quite clear to me at the moment. Supposing that I am a resident in an urban constituency, and supposing that I pay, I do not care how small an amount, of property tax or income tax or whatever it is, that is enough to give me a vote ?—In Madras it is. In other municipalities it is not.

74. Then it seems to me that this ought to be stated in this way, that in urban constituencies outside Madras, assessment up to not less than Rs. 3 in respect of property tax, tax on companies, etc., is the qualification. It is not quite rightly stated ?—Yes ; I did not mention the limit there.

75. Then in Madras, apparently, the amount at which a man is assessed does not matter ?—No.

76. That is the test of being allowed to vote by reference to the taxes you pay, or rather, the taxes you are assessed to. Then the other general test seems to be the occupancy of a house of a certain minimum annual value, and that is limited to Madras ?—Yes.

77. Then for rural constituencies, as you set out on page 311,* the test seems to be connected with the annual rent value of land held or enjoyed in various ways by the voter ?—Yes.

78. Can you give me some sort of idea as to how far in rural constituencies the voting might go down ? What sort of people are they who have got votes, and what sort of people are they who have not got votes ? Supposing, for example, you were to imagine in rural constituencies the annual rent value which is the test was not Rs. 10 but Rs. 5 ; would that make much difference ?—I think it would about double the voters. At present you have about 1½ million voters ; if you lowered the franchise qualification to Rs. 5 instead of Rs. 10, you would have about three million.

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83. * * * I see that on page 264 there is an interesting list, pages 264–5*, of the cases in which the Governor has used his powers of certification, first of all in the case of expenditure essential to the discharge of his responsibility to the subject. That is a reserved subject ?—Yes.

* Vol. VI.

84. And then, " expenditure which he considers " necessary for the safety or tranquillity of the " province or for the carrying on of any department." You might give us a little information about one. What were the circumstances in 1925-26 when the Governor had to exercise his power to certify for a lakh of rupees for the police ?—The council held that a special police force was not necessary.

85. The Governor felt it to be his duty to certify the amount ? Yes.

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86. *Mr. Hartshorn* : I want to ask you one or two questions on the franchise. I see on page 344* a list of your constituencies with population and the register of voters ?—Yes.

87. And they total up into a population of 42,813,000 and voters 1,377,000 ?—Yes.

88. Does that work out at about 3 per cent. of the population ?—Yes.

89. So that your voters in this Presidency are about 3 per cent. of the total population ?—Yes.

90. Would it be correct to say that that represents about 6 per cent. of adults ?—Roughly.

91. You have told the Chairman that as far as urban areas are concerned the qualification is assessment of any amount in Madras, and in all other urban areas you have explained what the amount is, or a rental of Rs. 60 in Madras ?—In Madras, house rent, yes.

92. And Rs. 10 outside Madras, is it not ?—No. Rs. 3 of taxes outside Madras.

93. Yes, but a Rs. 10 rent gives a vote to everyone outside Madras ?—The renting of houses outside Madras does not give a vote.

94. But in the rule here, as I understand this qualification, the ownership or tenancy of land of the annual value of Rs. 10 entitles to a vote ?—That is only cultivated land.

95. I do not quite understand. Is it not correct that any person living in the rural areas who is the owner or tenant of a piece of land the annual rent of which is not less than Rs. 10 would be entitled to a vote ?—I do not think so.

96. Then who are excluded from it ? What persons having the tenancy or ownership of land of the annual rental value of Rs. 10 would be excluded ? —They come in through this. If a man owns a house he generally pays property tax ; that is why the ownership of a house itself is omitted. A man who pays property tax of Rs. 3 or more has a vote, so such a man would get a vote from paying property tax.

97. *Mr. Thomas* : That is only in municipal areas ?—Yes, other than Madras.

98. *Mr. Hartshorn* : It is municipal areas within the rural constituencies ?—Yes, outside Madras.

99. The Chairman suggests that we might try to get this clear, because neither he nor I have yet understood. Who is excluded ? You say here that registration of certain kinds of land the annual value of which is Rs. 10, or registration jointly with the proprietor under the Malabar Registration Act, 1895, as occupant of land, the annual value of which is Rs. 10 ; or holding of land under registered lease under *ryotwari*, *pattadar* or *inamdar*, the annual rent value of which is Rs. 10 ; or being a landholder holding an estate, the annual rent value of which is Rs. 10 ; or holding as ryot or as tenant under a landholder land of annual rent value of Rs. 10, are qualifications for the vote. Now, I read that to mean that any person in the rural constituencies either owning or renting land of the value of Rs. 10 is qualified to vote ?—If the lessee has got a registered lease he gets a vote. If he has not got a registered lease he will not get the vote. Holding land under a registered lease will give him a vote.

100. *The Chairman* : It is a practical question. We do not want to be too much involved for practical purposes. Supposing a man owns land in a rural area, whether as landlord or tenant ; supposing every year he has to put his hand in his pocket and find Rs. 10, or an annual rental value of Rs. 10, would he be a voter ? That is the broad point.

Sir A. P. Patro : As it stands now, is he not entitled to be a voter ?

The Witness : Yes.

Sir A. P. Patro : No one is excluded.

The Chairman : Mr. Hartshorn wants to put his point on that.

101. *Mr. Hartshorn* : What I was coming to was this. We know now what the qualifications are, and the kind of people who are on the register. Under these qualifications, 94 per cent. of the adult population of this Presidency is without the vote ?—Yes.

102. And only 6 per cent. has it ?—Yes.

103. I should like to know whether, assuming these qualifications are maintained, do you see any prospect of such a change in the economic conditions of that 94 per cent. of the population which would bring them within these qualifications say within the next 10, 15 or 20 years ?—There is no such prospect.

104. So if things were left as they are, these people would continue as they are, voteless masses, so far as you can see, for at any rate 25 years ?—Yes.

105. You have told the Chairman that if you reduce that Rs. 10 to Rs. 5, you would double the electorate ?—Yes, roughly.

106. Suppose it were suggested that instead of doubling it, we wanted to treble or quadruple the electorate, have you any idea as to what sort of qualification would be required to bring that about ? —I have worked this out* for only Rs. 5. I could find out the other figures, but the lower I go the less accurate the figures will be.

107. It would be a fairly good approximation ?—If you like, I can show you the graph which shows the number of *pattadars*.

Mr. Hartshorn : I should very much like to see it.

The Chairman : Perhaps you would show it to us later.

108. *Mr. Hartshorn* : I would like now to ask you a question about Madras City. I think the population of Madras City is about 430,000 ?—Yes, about that.

109. I see on page 316† you give the Madras non-Muhammadan constituency for the legislative council. The voters total 22,534 ?—Yes.

110. Then you say that of that total, 16,276 are registered as being assessed to some of the direct taxes you mention there. It seems to me a very remarkable figure that in a population of 430,000 you have only got 16,000 who are paying any sort of direct tax, property tax or tax on companies or profession tax or income tax—16,000 or 17,000 ?—Yes.

111. It is true there is another constituency, a Muhammadan constituency, and that represents, I think, about one-tenth of the number ?—Yes.

112. So if you take the two together, you have got less than 18,000 persons in Madras City who are paying anything from a rupee a year up in direct taxation out of the whole of this populatiton ?—Yes.

113. Do you think that small number is due in some degree to a laxity in collecting taxes from people, or do you think it actually represents the financial position ?—I think it represents the financial position of the city.

114. I notice you say, in dealing with the Madras Corporation, that sometimes the numbers go down, and that is because people have not paid their taxes in time ?—Yes.

115. But, in any case, you think this is not due in any large measure to the refusal to pay taxes, or to any laxity on the part of the Government in collecting them ?—There has been not much refusal to pay taxes.

116. The next figure seems to me to be also very significant. The number of persons who qualified

* Vol. VI.

* *Vide* Appendix, p. 476. † Vol. VI.

for the vote on a Rs. 60 rental is only 2,268 ?—Yes.

117. I make that out to be less than one-half of one per cent. of the population of the city ?—Yes. Of course, some of them would come in under people who pay property tax when they live in their own house.

118. I admit that possibility, but taking the whole thing together, you get a very small portion of the population of Madras who live in houses of Rs. 60 per annum rent ?—Yes.

119. Can you tell us what sort of rental would double or treble or quadruple the electors of the city of Madras, supposing it was reduced to Rs. 30 or Rs. 20 or Rs. 10 instead of Rs. 60 ?—I have no figures at all available as regards this. In regard to municipalities I could not get figures.

120. But are there any figures available in any of the departments of Government ?—I asked for them, but they were not obtainable.

121. I want to ask you a question on representation. I think you have seven separate kinds of special constituencies, one for Indian Christians, one for Europeans, for Anglo-Indians, for landholders, the university, for planters, and for trade and commerce ?—Yes.

122. I would just like to have a look at the figures there. I see you have one representative for Europeans ?—Yes.

123. And they have a total electoral roll of 2,800 ?—Yes.

124. You have six representatives of the landholders, and they have an electoral roll of 600 ?—Yes.

125. That is to say, the landholders have one representative for every 100 ?—Yes.

126. The Europeans have one representative for 2,800 ?—Yes.

127. I called attention to this in another province where the landholders got 25 times the representation of Europeans. You see, they have 28 times the representation of Europeans here in these special constituencies. Can you tell me whether Europeans get any representation through the general constituencies ?—No, but they get it through the commerce constituencies.

128. I agree, but in the landholders' electorates you get six returned ?—Yes.

129. In addition to which, the same individuals, representing only 600, get another five returned from the general constituencies ?—They did in the last election.

130. What would have been the position in the other elections ?—I have not got the figures.

131. And in addition to those 11, there are another 27 whose chief income is derived from land, and who may therefore be said to have a common interest with those 11 big landholders ?—Yes.

132. Have you any idea why this altogether disproportionate representation was given to landholders originally ?—There is a difference in the system of tenure of land under landholders and under other landowners. The landholders in this Presidency, although they are small in numbers, own about one-third of the territory. Therefore they have large interests.

133. Do not you think it would be better in the public interests if these landowners went out into the constituencies and fought their battle in the political arena as any other person has to do ?—I think they require special representation in view of the extent of their interests, as well as the difference between their interests, in regard to land and the interests of tenants. Tenants find a large representation through the general electorates. I think there is a difference of interest between landholders and their tenants which requires some special representation for landholders.

134. But do not you think, having regard to their numbers, that they are getting adequate representation apart from this special constituency ?—One does not know whether they will always get it as regards other seats. They may or they may not.

135. *Mr. Hartshorn*: But I think the majority of this Commission are big landowners, and they have always had to fight for their seats, and they have got to fight again a few months hence; and they do not ask for this protection at all. I do not see why they should not go to the general constituencies, as they do in England.

Sir A. P. Patro: England and India are quite different.

Mr, Hartshorn: Oh, I quite agree, although there is this to be said. India is much more an agricultural country than England is, yet the landowners in England go out into industrial areas and seek representation, and get it.

Sir A. P. Patro: When zamindars and landholders in India get to the stage of being also masters of industries, then they will not ask for any special representation. Till then it is absolutely necessary that their interests should be protected, as the growing tendency in the legislative councils all over the country is to pull down vested interests and therefore some kind of protection is absolutely necessary in the circumstances of this country.

Mr. Hartshorn: Well, I have called attention to the point.

136. *Lord Burnham*: May I be allowed to pursue the ingenious questions Mr. Hartshorn has been putting, without necessarily endorsing his view as to the iniquity of the landlords or his statement that I had to fight for my seat in Parliament. Would you kindly turn to the tables of which he spoke, pages 341 and 342*, only by way of general deductions. Of course, every theory of representative government presumes that the man represents not only the electors but the population of the constituencies, does it not ?—Yes.

137. In the tables of Appendix I, roughly speaking, the area in square miles on a fair average of the non-Muhammadan urban and rural constituencies would be about 5,000 square miles, and the population not less than 1½ millions. I will not enter into other categories, because they are very much bigger, and all the members of the Conference have them in their hands; but should I be justified in saying that to pretend that there is any real representation of 1½ million people in a constituency of 5,000 square miles is almost comic ? I mean, they are so big that there can be no touch, still less much sympathy between a representative and his constituents, considering them as constituents in the true sense of the term ?—There can be direct touch only with the voters, although through the voters having the same interests as and having sympathies with the other people, he might be considered indirectly to represent the population. He directly represents the voters.

138. You must presume that he represents the population, and not only the voters ?—To a smaller extent; and to the extent that he does, I think that there is appreciable touch.

139. What sort of touch is kept up by one of the representatives on the legislative council with those who live in 5,000 square miles of a constituency ?—By going to different villages, holding meetings, having conferences, some of the voters coming to meet him.

140. In 5,000 square miles ?—That is a district. The president of a local board, if he is a non-official, travels the whole district.

141. You think an appreciable amount of touch is kept up ?—An appreciable amount of touch, yes.

142. Then supposing, as seems inevitable in every parliamentary system, the number of electors is increased either, as has been suggested, doubled, by a reduction, as Mr. Hartshorn was advocating, of the qualifications for the franchise, or in other ways, do you think that that will still render it possible for a member to represent adequately his constituency as at present mapped out ?—If the number of electors

* Vol. VI.

is increased, I think the size of the constituencies ought to be reduced.

Sir Hari Singh Gour: Otherwise the number of members must be increased.

143. *Lord Burnham*: Would you go to this extent. If you double the number of electors you ought to double the number of representatives ?—Roughly.

144. You do not think—this is really the practical point I am coming to—that as a matter of political education, and to get the true representative principle, you would do better if you had indirect election through primary assemblies ?—My own personal opinion is that it will not be the case. I think direct election will produce a better touch between the member and his electors than indirect election.

145. Although at present it is only some 6 or 7 per cent. of the population that has got any political education at all through the vote ?—That is true, but their interests are likely to be the same as the interests of other people who have not got votes; so to the extent that their interests are satisfied, the interests of other people are also automatically satisfied.

146. Yes, but a mass of voters must be resolved into its individuals. The individual who has not got a vote does not get any political education by reason of the vote ?—The remedy for that is to give the vote to more people.

147. Yes, but even if you double the number, it is still a very small proportion; it is only 14 per cent. ?—Yes, but that is the way to get more representation.

148. You think it will lead to universal suffrage in time ?—I suppose ultimately all democratic countries—that is my own opinion—are bound to lead to adult suffrage; but, of course, at present it is not a practical proposition.

149. In this enormous Presidency you would have to have, of course, a very large legislative body supposing you had a wide franchise ?—Yes. Of course it will come to that, though the difficulties will probably, from experience gained, be minimised. Just as in the United States you have 100 million people electing an assembly, here 40,000,000 can elect an assembly; but at present the difficulties are great, and you cannot have adult suffrage.

150. Why are you opposed—do not answer if you do not want to do so—to the idea of indirect election ?—I think the opinions of a few people are likely to be more selfish than the opinions of a larger number.

151. But you have got the few people now; you have only got 6 per cent. of the population voting ?—The remedy for that is to make the electorate bigger. It would be worse to have indirect election than the present system. If you want to improve the present system you should increase the electorate. But by cutting down the electorate, which would be the real effect of indirect election, you would have a worse position.

152. I did not mean to cut down; I thought of a wider franchise for a primary body which would itself elect representatives ?—Although a large number of people may elect the panel which will elect the members, I do not think the panel would elect people with as little attention to their own interests as a much larger body would do. A few people electing a member would naturally be influenced by their own needs.

153. But you have got that now; a few people elect a member—6 per cent. of the whole population ?—Yes, but that is much bigger than having a panel.

154. You prefer that to the wide educational effect of a big Primary franchise ?—Yes, I think so.

155. You have panchayats, of course, in this Presidency ?—Yes, a large number have been formed in this Presidency.

156. Supposing you have a system of indirect election, do you think they would act as primary bodies ?—At present the total number is about 2,500 panchayats. That is only a small fraction of the villages in the Presidency, and they are not functioning quite well, because they only began to function in the last ten years or so.

Sir A. P. Patro: In the last three years in some cases.

157. *Lord Burnham*: You have other local bodies that could be used ?—Yes, those are in towns.

158. But in the rural districts you have other bodies ?—Very few; they are only in big towns of over 5,000 population.

159. Then if you wanted a system of indirect election you would have to create a good many more bodies of the same sort ?—Yes.

Khan Bahadur Khalif-ul-Lah Sahib: Thousands.

160. *Major Attlee*: Would you say that there was very much difference in intelligence between the man who pays Rs. 10 and the man who pays Rs. 5, or are they much the same sort of person ?—There is a slight difference, just as you have a difference between the 30th boy in the class and the 35th. There is not a very great difference.

161. But still, there would be a slight difference ?—Not very much.

162. Do you consider that with an increased franchise you could man the polling stations ?—If you double the number of electors I think you can do so, but if you make it, say, ten times it will be practically impossible at present; it will mean a great strain; but doubling the number of electors you can quite manage.

163. Would it be possible, if you had a very large franchise in Madras City, to man the polling stations ? You have here a very large educated population ?—Yes, in a limited area, where the population is concentrated you could do so.

164. I suppose you could manage even adult franchise in a city like Madras ?—Yes, you could.

165. *Lord Strathcona*: Is there any literacy test for the qualification ?—No literacy test.

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169. *Lord Strathcona*: Will you look at page 334,* where there are some very peculiar statements about the conduct of elections: "Presidents of local boards "used their influence as such either for themselves "as candidates or for other candidates whom they "favoured." * * * Is that your opinion too ?—That has been based on reports of Collectors.

171. And as far as you know it is fairly general, is it ?—It is not the president of every district board that stands for the legislative council, but such of them as either stand for it or are interested in it, it refers to.

172. Then later on in the same paragraph it says: "In regard to Christian candidates, priests in some "cases openly announced the name of the candidates "for whom their congregation should vote." That is also based on information ?—On the reports of Collectors.

173. *Sir A. P. Patro*: Kindly see the Madras Government's memorandum on the Working of the System of Government.* I have gone through the list of the Bills specified therein and also the summaries of resolutions, but I have not been able to find any mention of the action taken by the legislative council in regard to the civil disobedience campaign in Guntur and the Moplah rebellion in 1921–22, how the legislative council passed resolutions and supported the Bills brought in by Government in regard to these matters. Is it an omission ?—The statement was prepared by Mr. Boag. Probably it was not considered necessary then to include these. But I can now give you the information. In order to deal effectively with the Guntur civil disobedience campaign, the legislative council passed, at the instance of the Government, the Madras Revenue Recovery (Temporary Amendment) Act, Act IV of 1922. The object of the Act was to shorten where necessary the time taken to carry out the various provisions of the Revenue Recovery Act, Act II of 1864. The council also passed for the same purpose the Madras Proprietary Estates Village Services and Hereditary Village Officers' (Temporary Amendment)

* Vol. VI.

Act, Act VIII of 1922. The object of the Act was to deal effectively with village officers taking part in the civil disobedience movement by depriving undivided members of their families of their hereditary right to office. Again in 1922 the council made a supplementary grant of 8·53 lakhs under police for 1921–22, and this included expenditure on additional police in Guntur necessitated by the no-tax campaign. It also made in the same month an additional grant of Rs. 74,000 for police during 1922–23, including the cost of special police in Guntur. So also in regard to the Moplah rebellion the Council passed the Mappillah Completion of Trials Act (I of 1923) to make provision for safety and trial of Moplah prisoners. It also passed large sums for expenditure incurred in 1921–22 in connection with the Moplah rebellion. This included 8½ lakhs as police charges, 2 lakhs for jails, 4 lakhs for expenses connected with the removal of Moplah prisoners and certain other charges incurred in connection with the rebellion. The council also granted 6 lakhs for unforeseen expenditure in 1922–23 in connection with the same rebellion.

174. Instead of having plural-member constituencies with larger areas if you have single-member constituencies, do you not think that the area will be reduced and there will be a small number of voters with whom the member has to deal with, and that he can be more constantly in touch with them and carry on political education ?—Well, that will improve the relationship between the member and his constituents.

175. Do you know that the members of the legislative council belonging to various parties hold periodical conferences in each district and in each taluk and summon all the ryots and the leading agriculturists to such conferences ?—They hold several conferences, but I cannot say whether they hold them in every taluk.

176. From your experience as Collector, I think you know that these conferences are held in every taluk and in every district ?—I cannot say that they are held in every taluk ; I can say that there have been several conferences held.

177. In each district ?—Yes, in the districts that I know of.

178. The agricultural classes as well as the educated classes all meet together and discuss political questions ?—It largely depends upon the conference.

179. As regards landlords, you have already stated that there are thirty-eight of them in the legislative council. Most of these people are professional people who own lands in addition to their normal profession ?—Some are so, but some others are purely landlords.

180. Every vakil, lawyer or doctor who owns lands is put down as a landlord ?—Several of them are professional men, but I put them down as landlords where I knew that they derived the greater part of their income from land rather than from their profession.

181. They are distinct from landholders' class ?—Landholders are bigger people.

182. These thirty-eight landlords are different and distinct from those who are returned from the landholders' constituencies ?—The number includes the six landlords who represent landholders.

183. *Mr. Siva Rao* : I want to know when you mentioned that 6 per cent. is the ratio between the voting strength and the population in urban areas whether you were referring to rural areas ?—No. In rural areas, taking all the constituencies as a whole, it is about 3 per cent. ; but in urban constituencies the proportion of voters to the population is about 6 per cent.

184. Have you worked out figures to show how much representation there is per head of the population ?—For the rural non-Muhammadam constituencies you have got on the average one member for every 20,000 voters ; for the rural Muhammadan constituencies you have got one member for every 5,000 voters ; for urban non-Muhammadan constituencies you have one member for about 5,000 voters, and for urban Muhammadan constituencies you have one member for about 2,500 voters.

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186. *Mr. Siva Rao* : If indirect election is adopted it would mean political education only to those who exercise the vote and not to the general mass of the population, is it not ?—It will mean less of political education to the general body than is the case under the present system of direct election ; that is my personal opinion.

187. I think some of the members of the village panchayats and local bodies are elected on the issue on which members of the legislative council are elected ?—No ; they are elected purely for local purposes.

188. In answer to Sir A. P. Patro you have said what the council did in the case of the Guntur civil disobedience movement and the Moplah rebellion. Might I draw your attention to the statement made in paragraph 28 of page 247* that " the council has " rendered full assistance to the executive in all " measures intended to preserve the peace and order " of the country " ? I think that is your opinion also ?—That is the opinion of the Madras Government.

189. Very well, sir. You have stated in another connection that from the beginning Madras has had a well-defined ministry and a well-defined opposition. . . .

Sir A. P. Patro : It is all contained in the memorandum.

190. *Khan Bahadur Khalif-ul-Lah Sahib* : May I know if the voting qualification of the Europeans is the same as that of the landlords ?—No ; it is the same as for the non-Muhammadan urban or rural constituencies.

191. Take the rental qualification. How much has he to pay as compared with the landlord ?—He has to pay only Rs. 10, while the landlord has to pay Rs. 3,000.

192. *Mr. Thomas* : May I know whether any alteration in the names of voters is made in the electoral rolls during the period that intervenes between two elections ?—No. Changes take place just before a new election when the rolls are revised.

Sir A. P. Patro : If any change is required it may be intimated at any time to the Collector concerned, who makes a note of it and carries out the necessary correction at the time of the revision of the rolls.

193. *Mr. Thomas* : Supposing there is a joint *patta* which carried out an assessment of Rs. 100, even then, under the present rules, only one vote is given ? —Yes.

194. Is it not inequitable ?—It is possible to give them a weighted vote or you may leave them as they are.

195. Have not suggestions been made that votes should be given in proportion to the amount of assessment covered by the *patta* ?—Such a demand has been put forward by some people, but there are practical difficulties in carrying it out.

196. The payment of Rs. 3 to the municipalities and Corporations entitles one to have a vote, while a similar payment to the union areas is not recognised to be a qualification for a vote ?—Yes.

Sir A. P. Patro : There is a representation that the rule should be extended to the union areas.

197. *Mr. Thomas* : With reference to Indian Christians, the voting strength works out at 1·8 to the total population ?—Out of every 100 electors under the present franchise 1·9 represents the voting strength of the Indian Christians.

198. With reference to the literacy qualification, supposing we make all the graduates eligible for vote, what do you think will be the increase in the total number of electors ?—I have not got the figures of all the graduates, but have only the figures of the registered graduates. They are about 10,000.

* Vol. VI.

199. Is it not a fact that very many of these graduates cannot become voters as they do not come under any of the qualifications ?—I have no information.

200. You said that the present electorate carried about 3 per cent. of the population or about 6 per cent. of the adult population ?—Yes, roughly.

201. Do you not think that on an average you can put one adult to every two children and therefore the proportion should be 9 per cent., and not 6 per cent. ?—No ; the population over twenty is 23 millions and over twenty-one it is roughly 22 millions ; that is roughly half the population.

202. You have said that by economic improvement it is not likely that a large number of the population would qualify as voters. Would you please refer to page 341,* wherein you will find under the non-Muhammadan urban constituency that in the Madras City in 1920 the total number of electors was 16,553, whereas in 1926 the total, both males and females, was 22,000 and odd ?—Of course in towns there is a greater possibility of economic improvement than in the villages.

Sir A. P. Patro : The increase is due to female franchise.

203. *Mr. Thomas* : Is it not a fact that in elections non-voters also take interest ?—I suppose that whenever there is a *tamasha* they gather.

204. *Diwan Bahadur Reddiyar* : With regard to the non-Muhammadan rural constituencies, are not landlords at present to a large extent members of the joint Hindu family ?—I cannot say whether they are to a very large extent. In some cases they are, in some cases they are not, but I have no definite idea as to the extent to which they are so.

205. There are joint Hindu families who are landlords ?—Certainly there are.

206. You cannot say to what extent lands are owned by joint Hindu families ?—No.

207. Roughly speaking, how many members would a Hindu joint family in rural areas consist of ?—A family is roughly five. I think you can take seven or eight as the number of members of a joint family in a village.

208. The junior members are usually under the influence of the managing member ?—Yes, they are.

209. At present it is only one member who has a vote ?—Yes.

210. *The Chairman* : I followed your questions, Diwan Bahadur, but do you think that there ought to be some change ?

Diwan Bahadur Reddiyar : I had two points in mind in putting these questions. The present tendency is for these joint holdings to break up, and when they do the number of voters will automatically multiply. In answer to Mr. Hartshorn the witness said that if the franchise remains as it is no change in the economic condition of the country could be expected in the near future. This is a line in which the number of voters may possibly increase. The other point is that the family is really the voter and not the individual. So when the head of the family votes the political education resulting from the vote extends to all the members of the family.

211. *The Chairman* : The first point is that as the joint family tends to break up and becomes separate families you may get a family of five, six or seven voters where there is only one now ; and the other point is as regards the qualification, that there is a good deal of influence and mutual discussion and so on going on inside, though there is only one vote.

Sir A. P. Patro : In the joint family there is only one man registered as a voter.

212. *Mr. Siva Raj* : In the Madras Electoral Rules, it is stated that Government may make regulations for the selection by the various depressed class communities concerned of their own representatives. Now, I wish to know whether Government have made any attempt in that direction ?—No such regulations have been made.

213. Could you give the reason why ?—I do not know.

214. The other thing I want to ask about is this. With regard to rural constituencies you say that 74·8 per cent. of the voters are *ryotwari*, *pattadars* and *inamdars*. Could you let us know what percentage of these *pattadars* come from among the depressed classes ?—These figures were given only for a few revenue divisions.

215. *Sir A. P. Patro* : I think that a list showing the number of voters of depressed classes in each district has been prepared ?—Yes.

216. *The Chairman* : The point is about the number of persons qualified according to the electoral rules, and I suppose it would be in the non-Muhammadan constituencies ?—Yes.

217. Of those who are in fact members of the depressed classes ?—Yes.

218. And the question is how far do they now enjoy a vote ?—Out of every 100 electors of all constituencies depressed classes form 4·12.

219. *Rao Bahadur Rajah* : More than the Indian Christians ?—Yes ; Indian Christians form only 1·9 per cent.

220. *The Chairman* : What is 4·12 ?—Supposing you total the number of voters in the constituencies in the Madras Presidency, out of every 100 such voters 4·12 are depressed classes. That is to say, out of 10,000, 412 will be from the depressed classes. I can also give the figures out of the non-Muhammadan constituencies. The total number of voters of the non-Muhammadan constituencies is 1,274,454. Of these the number of depressed classes voters is 56,756.

221. *Sir Hari Singh Gour* : What is the percentage ?—This will be a little more than 4 per cent., but it will be just 4 per cent. if you take the total number of voters.

222. *The Chairman* : How do you pick out these depressed class voters ?—From each district we have got returns from all returning officers. We asked them to classify the voters into different communities, and this is the number of depressed class voters. I have got the figures for each district separately.

223. *The Chairman* : I dare say you would let us have these. I should like to see them myself.—Yes.*

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225. I think Lord Strathcona drew your attention to page 334,† where you say that " presidents of local " boards used their influence as such either for themselves as candidates or for other candidates." Now, do you know of any case where a district board president or a local board president stood for election and got defeated ?—I cannot mention them off-hand. There have been some.

226. Of those members of the legislative council who are presidents of district boards how many do you think would have got returned if they had not been presidents of district boards ?—I cannot give any idea at all.

Mr. Siva Raj : I merely want to say that there might be some who, whether presidents of district boards or not, will get returned to the council.

227. *The Chairman* : I understand the point is that being the president of a district board helps a candidate if he stands for the legislative council.

Mr. Siva Raj : Yes.

228. *Sir Hari Singh Gour* : I wish to put a few questions on behalf of my colleague, Mr. Kikabhai Premchand. Please turn to page 312.† There, under the heading " other commerce constituencies (special) " —Qualification," I see " members of the Madras " Trades Association, the Southern India Chamber of " Commerce and the Dattukkottai Nagarathars' " Association." Is it a fact that members of the Madras Trades Association are Europeans, or are

* Vol. VI.

* *Vide* Appendix B, p. 477. † Vol. VI.

there both Europeans and Indians in it?—I believe the Madras Trades Assocation is European.

229. Now, is there any reason why the Madras Skins' and Hide Merchants' Association has got no place in this representation?—I take it that they can become members of the Southern India Chamber of Commerce.

230. You have got the Madras Trades Association as a distinct body from the Southern India Chamber of Commerce?—Yes.

231. And that Association being European, this important body of merchants, the skin and hide merchants of Madras, have no place?—But they are mostly Indian traders, and they can join the South Indian Chamber of Commerce. They have no separate representation.

232. Then as regards the growth of electorate, you say at page 315* that " there has been no important " alteration in the qualification rules and no growth " can be put under this head." Does this refer to the period since the Reforms, since 1921?—Yes.

233. Do you suggest that there has been no growth in the aggregate acquisition of wealth during all these nine years in this province?—Not enough to make an appreciable change in the number of voters.

234. Has there been any aggregate increase of wealth in Madras since 1921?—I have no information.

235. It has been suggested that if you were to lower the franchise you would double the number of voters?—Roughly.

236. Would that reflect upon the quality of the candidates? Would that bring in less experienced and less able men to the council?—I do not think so. That is my opinion.

237. Would you suggest with the lowering of the franchise that there should be a qualification requiring of candidates a higher cultural or property test?—My own opinion is that there is no necessity for any such change.

238. Have you considered that question?—It is only when you asked the question.

239. You have not considered it independently of the question I put to you?—No.

240. Now, as regards the representation of women, do you know why women are not eligible for voting in the Council of State elections? Why are they not enfranchised so far as regards the Council of State?—I do not know.

241. Do you see any objection to their enfranchisement for elections to the Council of State? They have been enfranchised for the local council and for the Assembly?—Personally I see none.

Sardar Shivdev Singh Uberoi: Is it not already a higher qualification for elections to the Council of State?

242. *Sir Hari Singh Gour*: That does not mean disenfranchisement. The question of eligibility is a different matter.

Now as regards women voters, very few have votes, and you point out that if separate polling booths can be arranged there would be an improvement in the recording of votes by them. Is that not so?—Yes.

243. Why were no special arrangements made? Why were not separate polling booths provided?—In some cases there were, and hereafter all officers who conduct elections have been told to make special arrangements.

244. I find from page 326* that there has been a great deal of apathy on the part of the Madras Europeans and landholders to return candidates to the Legislative Assembly. It is said: " In the 1920 " elections there were no nominations for the Madras " European constituency. A fresh notification was " issued and the nomination of a candidate duly " made. In the 1923 general elections, both in regard " to the European and landholders' constituencies, " there were no nominations on the dates fixed for " the nomination of candidates." The Governor-General issued a fresh notification " calling on these " constituencies to elect members and nominations " for the two constituencies were duly made and " candidates elected." Uncontested, I suppose?—I believe so.

245. What is the reason why, in the case of the Europeans and landholders, both in the elections of 1920 and 1923, this marked apathy was shown in regard to returning members to the Legislative Assembly?—Well, I know only the fact that no nomination was made in the first instance, but why it was not made I do not know.

246. Was there any contest in 1926? It is recorded that " there was no case of ' no nomination ' " in the 1926 elections." But was there any contest, or were the returns all uncontested?—I have no figures here, but generally there is no contest at all. Only one man is nominated.

247. Consequently I wish to ask you whether any special interest is taken in the elections of the Madras representatives to the Legislative Assembly by these special constituencies?—They have always elected members.

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255. *Sir Hari Singh Gour*: * * * As regards indirect elections, it has been suggested to you that in view of these large constituencies running into 5,000 square miles and the scattered population, indirect election to the local council is a feasible substitute. You say that it is not because you prefer direct to indirect elections. If supposing the election to the local council was through the medium of a panel, do you think that the representative would feel the same amount of responsibility towards the people as he does now?—Well, personally I do not think so.

256. You think his sympathies would be narrowed down?—Yes.

257. In other words, it will create a sort of parliamentary oligarchy, having a panel of men of influence who will return a candidate to the legislative council?—I do not know whether it can be called a parliamentary oligarchy.

258. Then, of the effect that this larger popular franchise has upon the general body of the electorate and the public, the educational value. You have yourself pointed out at page 334*: " Canvassing was " done personally by candidates and their agents. " Some canvassers were honorary, receiving touring " expenses. Paid canvassers were also employed. " Addresses were delivered both by candidates and " by their party men. In some districts, canvassing " was done by advertisements in newspapers, which " also helped candidates whose policy they favoured. " Posters were largely used in towns. Hand-bills " were distributed both in towns and in rural areas. " Influence was exerted on voters through landlords, " village officers, vakils and money-lenders." Do you think that all this intensive propaganda had the effect of educating the masses into the general questions which come up before the legislative council and making them more and more politically minded?—To a certain extent it does.

259. It is conducive to the wider political education of the people?—Certainly.

260 And because it is conducive to that end you are in favour of popular elections?—Yes, that is my personal opinion.

261. Do you think that those considerations equally apply to the elections to the Legislative Assembly and the Council of State?—On that point I can only express my personal opinion that in regard to the Assembly I consider that direct election is certainly to be preferred to indirect election, but in regard to the Council of State it is possible to have either direct or indirect election.

262. On what ground would you discriminate between the election to the Legislative Assembly and the Council of State?—Because you have got two assemblies and if they are elected in different

* Vol. VI.

ways, possibly you get a better check one over the other.

263. Do you not think that the Council of State has already got sufficient grip over the other body ?—You can have it as it is, or you can also alter it, but I am entirely against indirect election to the Assembly, although in the case of the Council of State I do not mind it.

264. Have you experience of the Legislative Assembly *vis-à-vis* the Council of State ?—I can only speak from my personal experience as an Indian. I have no official experience.

265. As regards the Legislative Assembly, do you think that the people at large take any interest in the election of their members ? I am not speaking of the Europeans and the landholders. I am speaking now of the people other than the Europeans and the landholders. Do you think that they take any interest in the election of their members to the Legislative Assembly ?—They do it in the same way as they take interest in the election of members to the legislative council.

266. Do you think that people take any interest in the proceedings of the Legislative Assembly and keep themselves informed of the working of their members there ?—The educated people who read newspapers do, but how far the villagers do I do not know.

267. The interest is therefore limited to the educated people ?—I said that educated people who read newspapers do take an interest, but I cannot say whether or not that is the case in regard to the people who read only vernacular papers.

268. That is exactly stating the same thing ?—It is a positive statement rather than a negative statement.

269. To what extent is the interest of the people directed towards the doings of their representatives in the Council of State ? Do they take any interest at all ?—I have no information about it ; I cannot say.

270. As regards the educated people, do you think that they take an interest in the proceedings of the Council of State ?—I suppose they read the proceedings of the Council of State.

271. That is only a supposition ?—That is so ; I have no information.

272. *Sardar Shivdev Singh Uberoi*: I would like to know what increase would it make in the electorate if the vote is extended to every literate male and female voter ?—I have not got the figures here.

273. Would you be able to supply them ?—Yes.*

274. *Dr. Suhrawardy* : I understand that you are opposed to the system of indirect election because you are of opinion that it does not afford the same facilities to the people as direct election. May I enquire whether in your opinion the system of indirect election would tend to throw open the door for corruption wider than it would be the case in the case of direct election ?—I cannot say.

275. You have no experience of it ?—No.

276. *Khan Bahadur Khalif-ul-Lah Sahib* : You were telling us that the landlords elect five representatives more than the seats reserved for their own constituency. Can you tell us whether in the case of the other special electorates, I mean for example the Muslim constituency, the voters are entitled to vote in the general constituency, or to be represented in the general constituency ?—They are not.

The Chairman : Sardar Saheb, I can give you the figure which you wanted to get from the witness. The census for 1921 contains the figure of literate persons of 20 years of age and over, dividing them into males and females. In the Madras presidency there were 2,367,000 males of 20 years of age and over who were regarded as literate, and there were 263,000 females of 20 years of age and over who were regarded as literate.

* *Vide* Q. 276 below.

APPENDIX (*vide* Q. 106, p. 470).

NOTE BY MR. S. V. RAMAMURTI, I.C.S., ON THE GRAPH OF "PATTADARS."

The number of pattadars in 1926 paying assessment up to Re.		1 is 1,086	thousands.
Do.	Do.	10 is 4,023	Do.
Do.	Do.	30 is 5,010	Do.
Do.	Do.	50 is 5,233	Do.
Do.	Do.	100 is 5,355	Do.
Do.	Do.	250 is 5,401	Do.
Do.	Do.	500 is 5,410·4	Do.
Do.	Do.	1,000 is 5,413·4	Do.

Number of all the pattadars is 5,415 thousands.

The number of persons who have no pattas is several millions. But the number of persons who pay, say, one pie patta assessment is zero (Re. 1 = 192 pies). So the origin is a discontinuous point on the graph, but the graph starts practically at the origin.

From the graph.

The number of pattadars paying up to Rs. 5 is 2,980 thousands.

Therefore the number of pattadars paying over Rs. 5 is 2,435 thousands (i.e. 5,415 minus 2,980 thousands).

Of the total number of voters in rural constituencies, viz. about 1,280 thousands, about 90 per cent., i.e. roughly 1,100 to 1,200 thousands come in through being pattadars. The number of voters will thus be roughly doubled if the annual rental value of Rs. 10 in qualifications for rural constituencies is halved.

APPENDIX B (*vide* Q. 223, p. 474).

STATEMENT FURNISHED BY Mr. S. V. RAMAMURTI, I.C.S., SHOWING DEPRESSED CLASS VOTERS NON-MUHAMMADAN (GENERAL) CONSTITUENCIES.

Districts.	Legislative Council.		Legislative Assembly.		Council of State.	
	Total Number of voters.	Number of D.C. voters.	Total Number of voters.	Number of D.C. voters.	Total Number of voters.	Number of D.C. voters.
Anantapur	26,001	1,651	3,461	72	23	—
Arcot—North	62,314	1,176	7,133	21	43	—
Arcot—South	75,296	2,405	10,231	47	46	—
Bellary	38,429	823	5,088	28	43	—
Chingleput	51,192	2,942	8,037	144	44	—
Chittoor	47,961	1,292	6,930	33	42	—
Coimbatore	62,122	769	7,344	35	84	—
Cuddapah	26,191	260	3,806	17	35	1
Ganjam	69,632	2,025	20,558	334	68	—
Godavari—East	49,564	4,474	17,690	808	193	3
Godavari—West	37,349	1,511	11,024	152	71	2
Guntur	78,681	2,489	15,256	178	58	—
Kanara, South	24,650	6	7,897	—	82	—
Kistna	60,382	2,630	19,976	219	92	—
Kurnool	29,532	792	4,872	34	16	—
Madras	22,457	575	10,992	64	177	6
Madura	67,987	3,399	12,604	258	75	—
Malabar	38,292	32	8,003	—	278	—
Nellore	55,522	2,805	10,738	104	43	—
Nilgiris, the	715	189	233	18	4	1
Ramnad	50,245	1,924	11,313	133	434	—
Salem	52,386	1,600	4,079	7	50	—
Tanjore	70,994	1,156	16,428	83	229	—
Tinnevelly	54,162	2,537	7,815	182	95	—
Trichinopoly	52,874	1,614	6,398	38	98	—
Vizagapatam	69,526	15,682	21,397	1,569	60	—
	1,274,454	56,756	259,603	4,578	2,079	13

LEGISLATIVE COUNCIL :—		
Total Number of votes analysed	12,74,454	
Correct total Number of votes	12,71,292	
	3,162	Excess in analysis.
LEGISLATIVE ASSEMBLY :		
Correct total Number of votes	2,60,378	
Total Number of votes analysed	2,59,603	
	775	Not analysed.
COUNCIL OF STATE :		
Correct total Number of votes	2,691	
Total Number of votes analysed	2,079	
	612	Not analysed.

The slight differences in the grand total have apparently arisen as the result of slight mistakes in the analysis made by a large number of Returning Officers in Districts.

Mr. A. Y. G. CAMPBELL, C.S.I., C.I.E., C.B.E., I.C.S., Chief Secretary to the Government of Madras.

277. *The Chairman* : You know, gentlemen, this is Mr. A. Y. G. Campbell, C.S.I., C.I.E., C.B.E., I.C.S., Chief Secretary to Government of Madras. * * * * * * * * * * * *

298. At page 620* we see " The Board, with the " approval of Government, adopts as a general rule " in framing its lists of selections, whether for clerical " or for executive work, the following proportions of " communal representations :—

	Per cent.
Non-Brahmins	40
Muhammadans	20
Brahmins	20
Anglo-Indians and Indian Christians	10
Depressed classes and others	10

" These proportions are adopted only as a general " standard." If I follow that rightly you ought to see the consequence of adopting that sort of conventional percentage in at any rate some of your

* Vol. VI.

tabular statements ?—Yes. It has not been very marked so far.

299. How long ago was it that this formula was decided upon as a general rule ?—I think about four or five years ago.

300. *Sir A. P. Patro* : The Staff Selection Board was constituted in 1924 and a year after that on a resolution passed by the council this percentage was fixed ?—The order regarding the communal percentage was passed in October, 1924.

301. *The Chairman* : You do not conduct any sort of competitive examination ?—No.

302. An interesting feature which you mention in this book is that Madras is the first province to bring forward a Bill to constitute a Public Services Commission in the province ?—Yes.

303. *The Chairman* : It is now before the Council ?

Sir A. P. Patro : It is before the select committee now.

304. *The Chairman* : Is that Bill the result of a good deal of public discussion ? Is it being brought forward to meet the generally admitted want or how does it come about ?—In other countries they have Public Service Commissions, as we have in England, to make recommendations for appointments, They have the Civil Service Commission at Home.

305. Just tell us in a sentence or two what are the main features of the Bill. I appreciate that it is now referred to a select committee. But what in fact are its main features ? Will it take the place of this Staff Selection Board ?—Yes.

306. Just tell us about it ?—It is to create a body of three commissioners. As far as possible they will be independent of the Government and they will have to draw up lists of candidates recommended for appointment who satisfy the qualifications laid down. They would also conduct examinations. They may also conduct departmental examinations after the candidates have got into service.

307. How do you provide in a Bill that the persons should be as far as possible removed from political influence ?—They are appointed by the Governor-in-Council but " No person would be appointed to " be the Chairman or member unless he has previously " given an undertaking in writing to the effect that " he will not either during or after his services on " the Commission accept any other office under the " Crown in India " except service in the Government of India Public Service Commission. No order of removal shall be made without the personal concurrence of the Governor.

308. As to their original appointment ?—They are to be appointed by the Governor-in-Council.

309. *Lord Burnham* : What are the qualifications ? —There are no special qualifications laid down.

310. *The Chairman* : Do you anticipate that you will find their work is a full time job ?—Yes.

311. I have heard a suggestion made in some parts of India in the course of our enquiry that a Provincial Service Commission limited in its operations to the needs of one particular province would find that it is not getting sufficient work to occupy itself whole time. You think it will have sufficient work here ?—I think that with the subordinate services as well as gazetted services it will have considerable amount of work to do.

312. How far down in the service will it go ?—It may cover all services.

313. It may or it must ? I am a practical man and I want to know the practical results. What I want to know is this. If this thing is established, as at present proposed, will a minister be able to secure an appointment for anybody in any grade ?—The intention is that he should not be able to do so.

314. What is there in the Bill which provides that intention ? Is there any statutory provision ?—There is a statutory provision that unless a person is recruited on the result of a competitive examination or on the advice of a permanent board of selection, the sanction of the Government of India is required in the case of any provincial service. That would compel a reference to this body once the statutory rules regarding recruitment have been made.

315. Will this body have anything to do with promotions or postings ?—I do not think it will have anything to do with them except in so far as it may hold examinations for promotions.

316. *Lord Burnham* : Is it a voluntary arrangement ? It is not compulsory ?—Government will be bound to consult the Commission and get their advice if they wish to make any appointment to a provincial service after the statutory rules have been issued.

Lord Burnham : But they are not obliged to follow it.

317. *The Chairman* : Of course the thing is dealt with at the end of this little volume about services and there are a number of interesting provisions. On page 626,* paragraph (9) we find, " Where such " recruitment is to be made by selection, the Com- " mission shall advise the local Government in regard " to the regulations for selection, conduct such " selection, and report the results. . . . Where " recruitment to a provincial service is to be made " by promotion from a subordinate service, the " Commission shall consider the claims of candidates " nominated by the head of the department concerned " and advise the local Government in respect of each " candidate." Then paragraph (11) says, " Where " examinations have to be held for confirmation in " or promotion in or to an All-India, Provincial or " Subordinate service or a Special post the Com- " mission shall advise the local Government in regard " to the regulations for such examinations, conduct " them and publish the results. But no duties in " this respect shall be undertaken in regard to an " All-India Service without the permission of the " Governor-General in Council." At present for the All-India Service you recruit through the Secretary of State ?—Yes.

318. And he has got a guarantee ?—Yes.

319. Mr. Bhore reminds me that the Public Service Commission in India recruit the Indian Civil Service ? —Yes.

320. It is a very interesting suggestion that Madras is taking the lead. Do you think yourself that this proposal is going to be an effective security for the proper exercise of impartial choice in filling the public services ?—Yes, I think so.

321. There can be no question at all. There is a good deal of pressure sometimes sought to be exercised on those who have appointments in their gift and one likes to see how far provisions are made securing the filling up of posts on public grounds, not for family or for special reasons ?—There is a clause included in the Bill that " If any candidate for a service or a " post with the recruitment of which the Commission " is concerned brings to bear or attempts to bring to " bear directly or indirectly by himself or by any " other person on his behalf any undue influence on " the Commission." . . .

322. I do not mean that at all. In India as in other places unless you have effective regulations there is a good deal of pressure to secure appointments perhaps on the part of those in authority or perhaps there is a strong feeling that it is their duty to favour a particular kind of candidate. I want to know whether you think that this machine which you are describing is a machine which is going to relieve those in authority from the extremely embarrassing burden ?—If you are referring to representation of particular classes it would not relieve them of that. The Government have laid down that recruitment is to be from particular classes at certain percentages. The Commission will have to follow such an order if it is laid down.

323. They have to depend on rules which the Government may make ?—Yes, in that respect.

324. There are two ways to fill a public service. One method is the method of ministerial patronage exercised it may be for family reasons or it may be

* Vol. VI.

for so many reasons. The other method is a method which effectively prevents it. I want to know which of the two methods in your judgment is likely to be adopted ?—The latter. The list of persons is forwarded to the Government and we hope that the ministers will be forced by public opinion as in England to follow the order set down by the Commission.

Afternoon.

Mr. A. Y. G. CAMPBELL, C.S.I., C.I.E., C.B.E.—*continued.*

* * * * * * * * *

2. *Lord Burnham* : Referring to the book on the Services I see it is stated on page 621* : " There has " been opposition in the Legislative Council to the " existence of the Board (that is to say the Staff " Selection Board) from time to time ever since its " inception." Was that because it interfered with the responsibility of the ministers to their departments ?—The attack was on the composition of the Board. I think there was naturally some amount of nervousness when a new official machinery was brought into being and there was some fear that it might be used for the advancement of particular classes.

3. It is said " existence of the Board." Does that mean composition of the Board ?—The attack, as stated in the memorandum, was partly because there was no non-Brahmin caste Hindu on the Board. Another objection was that it should be an entirely non-official body whereas there are three officials on the Board. I may mention that during the past year there have been no criticisms in the legislative council. The last time when criticisms were made was in 1927.

4. If the Staff Selection Board disappears it will only be when the Madras Services Commission is formed ?—That is the intention.

5. At present have any rules for the reorganisation of the services consequent on the transfer of the departments been made ?—Rules have been drafted and issued from time to time regarding the constitution of certain provincial services, the qualifications for appointment, terms of appointment, pay, leave and pension.

6. It follows, does it not, from what has been done here in the transfer of functions that a number of services will become provincialised ?—The provincial services are already in existence.

7. But they are manned partly by All-India services ?—The gazetted officers of a department are supplied partially by All-India services and partially by provincial service men. When you have a department completely transferred the idea is that the All-India service men will gradually be allowed to disappear and the provincial service will entirely take their place or if necessary there might be a superior provincial service.

8. It has been authoritatively stated that in the Education Department by 1944 there will not be a single European left throughout the whole of India unless they are specially engaged on short-term contracts ?—It is probably true ; but of course that will not prevent the local Government from getting out Europeans for particular appointments.

9. It has been found, I am afraid, elsewhere that the terms offered in the Education Department have not so far been attractive to European candidates. Is that so here or not ?—I do not know of any case where an attempt has been made to get a European candidate in the provincial service of the Education Department except in the case of women perhaps.

* * * * * * * * *

11. What change in the rules regarding appointment has been made since these departments have been provincialised ?—The matter has been under consideration whether in place of the All-India service men as they retire, people should be appointed to the existing Madras Educational service or whether some sort of superior provincial service should be formed. It has been under consideration with the Government of India.

12. We have heard the same thing in other provinces that this has been going on for some years. I do not know how long the Government of India will take for consideration of this question.

Sir A. P. Patro : The question was taken up after the Lee Commission's report.

13. *Lord Burnham* : Yes, that was in 1924. Now it is 1929. I do not know whether by 1939 they will consider it. I want to put it on record that it is the fault of the Government of India. The reason for not reorganising the services is that the Government of India will not pass rules, is not that so ?—The Government of India have been consulting all the local Governments and I know they had two conferences on this subject.

14. Do you believe that the terms under the new scheme are likely to attract Europeans of the right class to the provincial service ?—I am under the impression that they are not intended to attract Europeans from Europe. But if they want to employ a European as, say, a professor of English in the university they could obtain a man on a short-term contract quite outside the services ; the contract may be for five years.

15. Do you think you would be justified in giving the man a responsible post in the university on a five-year contract ?—There would be the option of renewal on both sides. We have recruited men from time to time under such arrangements on the Reserved side of the Government.

16. As an experienced official do you contemplate that as it is there would be no need for Europeans except a few short-term contract teachers in the whole of the Educational service in India ?—We hope that in time to come in most of the subjects there will be Indians competent to undertake the teaching work.

17. I am not saying that there will not be competent Indians, but after all for the teaching of English it is only fair to presume that you require Englishmen just like we require foreigners for the teaching of foreign languages ?—Yes, for English literature.

18. Do you consider that the provincialisation of the services by transfer means what is called Indianisation, that is to say, exclusion of Europeans ?—It will certainly lead to the general exclusion of Europeans from the services.

19. Are you satisfied with that prospect ?—Are you speaking of the Educational service ?

20. Any service which is transferred ?—It is difficult to say now when complete Indianisation will be effected in the All-India services, because it is only during the last few years that the Indianisation of all the services is going on to a large extent. The Indians are mostly holding lower appointments in the services. But provided (of course I am only speaking personally and not on behalf of the Government) that the local Government had no anti-European prejudice and employed a European with suitable emoluments which would satisfy him when it was considered desirable that a European should be appointed to a special post requiring special o

* Vol. VI.

technical qualifications, there is no reason to fear that there will be any serious danger from the gradual replacement of the All-India service men by the provincial service men.

21. Is there anything which induces you to think that the scales of pay and prospects will be such as to attract Europeans of the stamp you want ?—They need not necessarily be in the provincial service; they may have to be appointed outside the provincial service.

22. Who is going to appoint outside the provincial service in the case where the service is transferred ? —As I remarked, I hope that the local Government, i.e. the ministers, would not take a purely anti-European view and I do not see why they should not be expected to appoint Europeans.

23. I am not saying that they will not appoint Europeans, but what I want to know is whether you think that the conditions of service are such as are likely to attract the right sort of men ?—It will depend upon the pay offered. For short-term contracts we should offer good scales of pay.

24. Can you imagine that by short-term contracts, for very responsible posts, you are likely to get the right sort of men in the hey-day of their career ?—It depends surely on what is offered.

Lord Burnham : I do not want to press the point.

25. *Major Attlee* : Would you say that it was absolutely necessary that provincial transfer of a service should necessarily mean the provincialising of that service ? Supposing, for instance, that everything is transferred, could you conceive of the Indian Civil Service and the Police being recruited in the same way as they are now in the All-India services ? Is it necessary to think that they must be made provincial services ?—If you are going to transfer everything and really place it under the control of a Minister or a government of ministers, surely they must not be compelled to accept certain individuals and to pay them certain rates of pay determined by some other authority.

26. You are suggesting that the recruitment of services is a matter for an individual minister ?—For the Government, rather.

27. But when there is a change of ministry what would be the position of the services already recruited ?—I do not for a moment suggest that there should be any turning out of officers with a change of ministers. I thought you were contemplating appointment by the Secretary of State of an individual to serve, say, under the Madras ministers without there being any certainty whether they want him or not.

28. To-day you have the Indian Civil Service posted to the provinces for a certain number of vacancies. Could not that still go on ? Supposing selections are made for the Indian Civil Service, and there are a certain number of vacancies in the Madras cadre, Madras will say that it wants so many, then Madras will have to take its turn with other provinces.—I do not think ministers would feel they had complete control if they were forced to accept these people. Of course, in the Indian States you do get the States asking for the loan of the services of members of the Indian Civil Service. But that is not the same.

29. It is not a question of the minister being forced. When there is a vacancy in my office it has nothing to do with me. I do not select the people. —But you or your predecessors acquiesced in the method of recruitment.

30. Why should that be acquiesced in ?—They could do so if they wished to do so.

31. Would Madras want to get the highest possible talent in the services through an All-India competition ?—I cannot speak on behalf of the future ministers, I am afraid. Of course, there is the financial consideration that you will have to pay more for men recruited from Home. They would have to pay more for men recruited from Europe than for Indians.

32. The question is as to what they want ?—Yes, they would have to consider the different points. Of course it will be a different matter if the local Government asked the High Commissioner or their representative in England to recruit so many persons every year for them for a series of years. Then certainly the services might continue.

33. I cannot quite see the objection except for the idea that the minister does not appoint.—The minister wants to have a say as to how men who are paid from the funds sanctioned by the legislative council are to be recruited.

34. Could that not be done in the regulations of the province ?—Who would draft these regulations ? Will they be regulations issued by the local Government.?

35. The Government of India. You do not think that you want to have such a complete provincial autonomy without any connection with the Central Government ?—Certainly there should be a connection with the Central Government.

36. In Madras the civil servants go up into the secretariat of the Government of India ?—Yes.

37. Therefore presumably the Government of India must have a separate civil service of its own in case of everything being transferred, or will it still continue to come to the provinces for its people for the secretariat ?—The Government will either have to do the latter or recruit the Indian Civil Service in Europe and India for its own purposes.

38. And that civil service would be a desk civil service, cut off from the provinces ?—Assuming that the Government of India was not administering any province direct.

39. Yes ?—Then they would not get any district experience in ordinary administration. Some of them would be employed in the Political Department, but that, of course, is different.

40. If the Government of India wanted to continue to employ the civil service in the provinces it would naturally like to have a say in the qualifications for choosing them ?—But the Government of India now, if they want to have an under-secretary, write and ask, " Can you suggest someone suitable as an under-secretary." They are not bound to take anyone from this province. They have the choice.

41. I take it that Madras has got a large share of these appointments ?—It varies from time to time.

42. *Sir A. P. Patro* : You mean that the minister should have a voice and that if it is a transferred subject the Government must be free to recruit whomsoever it likes, whether an Indian or a European ?—The Government would lay down the lines of recruitment. I am not referring to the appointment of particular individuals.

43. As a responsible government it must be free to choose its officers from whatever source, whether European or Indian, provided they are competent to carry on the administration. Is that what you mean when you say that the minister should have a voice ?—Yes.

44. A responsible Government should be free to choose its own officers to carry on the administration efficiently ?—Yes, the method of selection of the officers.

45. And the Madras Government is now considering the question of the recruitment of officers under the recommendations of the Lee Commission, is it not ? The Lee Commission has recommended that in the transferred departments there should be Indianisation and they are now considering the question of how far they could now Indianise these services and on what salaries and conditions they could be recruited ?—Yes.

46. With regard to Education, as a whole, now for the last five years there has been no recruitment, and yet education has been carried on in the Madras Presidency very efficiently, is it not so ?—As far as I know. I have no information to the contrary.

47. It was an Indian who was in charge of teaching English ?—I have no personal information on that point.

48. In the Public Works Department also you have got recruitment direct from the Engineering college ?—Yes.

49. Into the Indian Educational Service ?—Yes, I think so.

50. The provincialisation scheme suggests that there should be recruitment for specialist posts from England—not second and third grade men, but specially qualified persons should be brought in for Science, for Economics and other subjects to be taught in the Government colleges.—I have not got the details. I have not seen the proposals.

51. So that they may train the Indians; afterwards if they were qualified to take up the subjects they could do so. In your experience, Mr. Campbell, in the districts as well as here, since Indianisation began, for the last five years, has there been any deterioration in the standard of efficiency in work ? —Well, my experience is of too short a period to express any considered judgment.

52. But there has not been any striking difference between the past and the present ?—It is impossible to say as yet. There will probably be a change in the character of the administration.

53. You know that all these civil service people who were nominated and who did not pass through a competitive examination have all been doing good work in the districts ?—We have had some good Indian officers in the Indian Civil Service.

54. *Mr. Siva Rao*: I dare say you are aware of the recommendations of the Lee Commission. They recommended that in the case of services relating to the transferred departments these services should be provincialised on the principle that the recruitment and control of the departments on the transferred side should vest in the ministry ?—Yes.

55. That was the principle followed ?—Yes.

56. And accordingly in the Education department all further recruitments for the All-India service have been stopped ?—Yes.

57. And now, if by any chance a system of provincial autonomy is introduced; in other words, if all the subjects are transferred to the popular control, it means it carries with it the principle that the services relating to all the provincial subjects should also be provincialised. I mean that is the logical extension of that principle ?—Yes.

58. *The Chairman*: In your view, is the provincialising of a service the same thing as putting the appointments in the hands of the particular minister ?

Mr. Siva Rao: No. It means the vesting of the recruitment and control of these particular services in the provincial Government.

The Chairman: I thought you used the word " ministry."

59. *Mr. Siva Rao*: I used the word " ministry " in the present state of diarchy, but if there is provincial autonomy it means provincial Government. And then, sir, provincialisation of services does not necessarily mean exclusion of Europeans.—I doubt whether many Europeans will come out to a provincial service.

60. They will continue to recruit Europeans even if the services are provincialised. We can engage the services of any competent educational expert on special terms as we like.

The Chairman: Mr. Campbell makes the observation that it is not the question of your being able to do that; it is a question of whether or not if you wish it you can secure the men.

61. *Mr. Siva Rao*: On special terms. I think there will not be any difficulty. If the provincial Government really feel the need for an educational expert it will not be difficult for them to secure the man on special terms. If the provincial Government conducts a competitive examination, will it be difficult to secure as good men as could be secured if there was a competitive examination on an All-India basis ?—Amongst the Indians, you mean ?

62. Yes, and it may be thrown open to Englishmen, too, to such of them as could compete in India ?—I do not think you will get Europeans to compete in India.

63. But in the case of Europeans the Government of India may maintain some All-India services and we may borrow from them on certain terms.—If they have a strong service to lend to you as they do now to the Indian States.

64. *Sir Arthur Froom*: In paragraph 11, on page 627*, you say: " where examinations have " to be held for confirmation in or promotion in " or to an All-India . . . service," etc. You mean examination for appointments to the All-India services ?

The Chairman: The last sentence in that paragraph says: " But no duties in this respect shall be " undertaken in regard to an All-India service with- " out the permission of the Governor General in " Council." It is a contingent power.

65. *Sir Arthur Froom*: You expect to have men of All-India services in your province in the future ? —We provide for it in this Bill. Members of the Indian Civil Service who will come out here have to pass certain examinations.

66. " Forests " is not transferred in this province ? —No.

67. Supposing it is transferred, you still want an All-India service for that ?—You would still have All-India service men in the Forest department for some years to come unless they were pensioned off.

68. Your proposals will eliminate the British element in the Forest department ?—That will be a matter for the future Government.

69. I do not mean you personally.—I understood. If it is transferred the transferred half of the Government would have the main say as to what is to be done as regards the staffing of the Forest department.

70. And you fear that a minister would not think he has got sufficient disciplinary powers if you continued to draw to your province in any transferred department men from the All-India service ?—He might think he has not sufficient disciplinary powers.

71. I gather that you do not think it practicable to continue to have, say, I.C.S. men of an All-India service in a department which is transferred ?—I do not think it is in consonance with what is called provincial autonomy if you continue to force men on them who are not their choice and not recruited on lines which they lay down for a definite period of years. It is perfectly true at the present day that the Government of India lend men to Indian States.

72. I think you said that you would not expect Britishers to come here for local examinations for the provincial service ?—No, unless they are brought on special terms.

73. You mean on short-term contracts ?— Generally those employed so far have been obtained on short-term contracts which can be renewed and extended.

74. You say there are objections to borrowing for provinces men from the All-India services ?—If the local Government wishes to borrow men, it is a different matter.

75. You visualise some objections. What are your objections ?

The Chairman: I did not understand Mr. Campbell to have said that if you were to assume provincial autonomy as it is called here in Madras, there will be any objection to the local Government borrowing a man from the All-India services. He did not say that he had any objection.

76. *Sir Arthur Froom*: I would rather like to use the word " secure." Is there any objection to secure for a time from the All-India services men to run your province ?—If the local Government wishes to secure a man from the All-India service there will be no objection to the local Government doing that if the Government of India will spare the man. It is just the converse of what is happening now. We now sometimes spare a man from the local Government for All-India service to the Government of India.

* Vol. VI.

77. *The Chairman*: I understand Mr. Campbell's view to be this, that supposing you reached a stage in which a province was self-governing, in his view it would almost necessarily follow that the Government of the province which is exercising self-governing powers would be the authority to decide what public services to employ. It might say: "We would like to have, if possible, some men "from the Government of Britain, or the Govern-"ment of India, or any other Government." The point is that it is for them to decide. That is Mr. Campbell's view, is that not so ?—Yes.

78. *Sir Arthur Froom*: If the local Government were to decide that way, then you would scrap the Lee Commission's recommendations ?

Lord Burnham: When the service is provincialised, the Lee Commission's recommendations do not apply.

The Chairman: The position of the Lee Commission, subject to one or two exceptions, has been this. Primarily the Lee Commission was considering proposals to increase Indianisation in the All-India Services, such as the Indian Civil Service, the Medical Service, the Indian Police Service, and so on, and they made recommendations on the basis of the present constitution as to the amount of what I may call dilution, which has to be reached in a certain number of years. Then they went on to say that all this has nothing in the world to do with departments in a province which are transferred and in charge of ministers. They made an exception as a matter of fact in the Indian Medical Service. Then the argument is, first of all, the argument put up by Mr. Siva Rao. He said that if you suppose all departments transferred and nothing reserved, it follows that for purposes of the provincial Government there would not be any Lee Commission recommendations, that the officers would be provincially recruited, and that it is open to a provincial Government if it thought fit to try to get its men by other means, by borrowing, and so on. And I do not myself see that the Lee Commission's recommendations will have anything to do with that.

Sir A. P. Patro: That is the position, sir. The responsible Government must be free to recruit services from whatever sources.

The Chairman: I have frequently mentioned in this connection that it would be perfectly open to a provincial Government to get by special bargain a European if it wishes to do so. I think it is true to say that a provincialised service is not an All-India matter. It is a provincial matter and it is for the local Government to secure in future public servants from the Indian candidates. That seems to be a fair expectation and that has got to be faced, not from the point of view of any special interests, but from the point of view of the interest of the future of the country as a whole.

Sir A. P. Patro: If you will allow me, sir, I will explain it. It is like this. We expect an All-India Service to remain under the Government of India with terms of recruitment fixed by the Government of India, and that provincial Governments may borrow from an All-India service recruited by the Government of India when necessary for their purposes. But so far as the province is concerned, when responsible Government is introduced fully, the Government will have a right to choose its own officers as it likes, whether Indian or European.

79. *Lord Burnham*: The Government of India will have to keep a reserve of officers for that purpose ?

Sir A. P. Patro: For its own purpose it will have to keep.

Sir Arthur Froom: Well, sir, I am not going to ask any more questions on that point.

The Chairman: I want the Conference to consider only this, because there is a certain confusion of the use of the expression "provincial autonomy." I suppose, if you would use the expression quite strictly, it really means provinces entirely self-governing, and as compared with the Government of India it would mean that the provinces have provincial autonomy. That is not, in fact, the popular use of the expression. The popular use of the expression is to the extent to which a minister is responsible to the legislature it would have control over provincial policies, and that leaves open the question of what part the Government of India would play in the matter. If you were to imagine that the Government of India have for some purpose to exercise supervision—it may be to keep open the opportunity of intervention in case of need—the Government of India may find it necessary to have some of its own Services in the area; otherwise all the Services of the Government of India must be concentrated at Delhi.

80. *Mr. Kikabhai Premchand*: Do you not think that for some time to come it would be necessary to maintain the European element in the services ? —Yes, and a European element will automatically be maintained for some time to come, because the Europeans who are already in the service will have to be retained.

81. When you provincialise the services, you said that you would not get Europeans, is it not ?—Yes.

82. That means you would not recruit Europeans ? —We would not recruit any more Europeans for provincial services.

83. How long do you think it necessary to keep them ?—I am not quite sure. It will depend upon different departments: we will have them until the stock of Europeans now in service is exhausted.

84. After it is exhausted, then do you think it necessary to recruit them ?—That is only 25 years hence.

Sir Hari Singh Gour: 35 years hence.

The Witness: It is difficult to foresee. I think the matter would require re-consideration after a few years.

85. *Sir Hari Singh Gour*: I understand your view to be this, that if a workman has to do his job, he must be allowed to find his tool. If I were to appoint my captain to run a ship belonging to Sir Arthur Froom and Co., he might object and say that he would not suit him at all. Is it not a fact that the judicial service in your province has been more or less Indianised for a number of years ?—By judicial service you mean district judges ?

86. Yes ?—Not altogether.

87. Not altogether. I say more or less greatly Indianised. You appoint a very large number of people in the subordinate service entirely Indian ? —Yes, as district munsifs and sub-judges.

88. And you employ in an increasing measure district judges from the Indian Bar for the provincial service ?—It is gradually increasing under the Lee Commission's proposals.

89. Has it not improved the judicial service ?—I am not prepared to say that it has improved.

90. Has it deteriorated the judicial service ?—I think it is too early to give any definite pronouncement whether the Indianisation has produced any deterioration of the service or otherwise. We have already had some good Indian Judges; others are not so good, and the same might be said of the Europeans also.

91. Is not the Madras University an autonomous body ?—I do not know very much about the Madras University; I have never been a member of the Senate.

92. But you, as Chief Secretary of the Madras Government, have nothing to do with the appointment of lecturers, professors, etc. ?—No.

93. Therefore, so far as the local Government is concerned, the Madras University is an autonomous body ?—I am not dealing with Education.

94. As Chief Secretary I thought you could be expected to know something about all departments. Do you know that the Madras University has been getting Europeans on short-term contracts for a long number of years ?—No.

95. And that other universities have been doing the same ?—I am afraid I cannot answer these questions. They are not within my personal knowledge.

96. Is the proposal that you have got for the establishment of a Madras Public Service Commission inspired by the provisions of section 96c of the Government of India Act ?—That relates to the appointment of an All-India Public Service Commission ; yes, to some extent.

97. That is to say, your proposal follows the underlying principle of section 96c ?—Yes.

98. In this section 96c there is a very important clause, and it is this, that the members of the Commission shall hold office for five years ?—Yes.

99. In other words, it is not a permanent Commission, and the members can be changed. They may be re-appointed presumably, but for the first time they cannot hold office for more than five years from the date of their appointment ?—Yes.

100. In the case of the proposed Madras Civil Service Commission, have you got any provision limiting the period of service of members of the Commission ? All I find here is that they shall not continue to hold office as such after completing 60 years of age ?—That is the rule.

101. How do you justify this departure ? In the one case the policy of the legislature was that all members of the Public Service Commission appointed under section 96c of the Government of India Act should hold office for a period of five years, but in the case of your Madras Commission, once they are appointed they will continue to hold office till they have completed the age of 60 years ?—We propose to bar any person accepting office on this Commission from accepting any other office under the Crown in India after he ceases to be a member unless he goes to the All-India Public Service Commission. There is no corresponding provision affecting the All-India Public Service Commission. So we put the man in the position of a High Court Judge ; he continues indefinitely.

102. I quite see that ; but High Court Judges have been appointed Lieutenant Governors in the past and also as Executive Councillors. Under section 96c every member shall hold office for five years, and may be reappointed. That gives a sufficient scope to the member concerned for re-appointment ?—That means he will have to go to the Government for the time being for re-appointment. It means a possible obligation to the ministry for the time being.

103. But it ensures the efficiency of the Commission. If you find that the man is not doing his work as well as you expected of him, then you will terminate his office at the end of five years ?—A ministry might attempt to terminate his service for other reasons as well.

104. I am not talking of the minister ; I am talking of the Government ?—I said the " ministry," the Government.

105. If the Government finds that a particular member of the Commission has not come up to the requirements expected of him, there is no reason why his services should not be terminated on the expiry of his contract ?—We wish to make the Commission as independent as possible of the Government.

106 *Rao Bahadur Rajah* : On page 620* you give the proportion of communal representation in the services. Was this proportion adopted before the appointment of the Staff Selection Board or after it was appointed ?—After. The order is dated October, 1924.

107. Was it because the Staff Selection Board did not care to set right the communal injustice in the services ?—The Staff Selection Board did not make any appointments to any service at all. They only selected people suitable for appointments and the appointments were actually made by the Government or by the respective heads of departments.

108. Was it because the Board did not care to select members of the depressed classes ?—I do not think so.

109. You say on page 621*, " The members representing the depressed classes in the local legislative " council were also unfriendly to the existence of the " Board." Was it because the Staff Selection Board did not care to send in the names of the members of the depressed classes for appointments ?—I do not know whether I can say that they did not include the names of the depressed classes suitable for appointments. I was on the Board for some time and I know the difficulties. Very often we do not get suitable applicants from certain classes.

110. I suppose the members of the depressed classes in the local council did not ask the Board to select unqualified men ?—No, not so far as I am aware.

111. It was because the Staff Selection Board did not care to set right the communal injustice in the services that they agitated for the abolition of the Board ?—They were suspecting that.

112. That is very clear from page 621.* You say the Justice party and others were against it. That shows the unpopularity of the Board ?—At the beginning.

113. Coming to page 624*, taking the Indian Audit and Accounts Service the number of eligible applicants from the depressed classes and others is two and the number finally selected from this class is one. Even though there were two qualified men from the depressed classes only one had the chance of getting into the service, whereas I see that seven Brahmins have been finally selected ?—The presumption is that the other applicant from the depressed classes was not considered suitable for the appointment.

114. But he comes under the number of eligible applicants ?—Eligible simply means that he possessed the qualifications laid down, that he has passed some standard of examination and so on.

115. Am I to understand that there were seven highly qualified candidates among the Brahmins and only one among the depressed classes ? I am only pointing out the communal injustice ?—The percentage of depressed classes to the total is ten, as laid down by the Government order.

116. But no non-Brahmin was selected and seven Brahmins were selected. According to the order you refer the percentage of Brahmins is only twenty, whereas now they get cent. per cent. nearly, seven out of eight ?—The Staff Selection Board did not perhaps consider any of the nine non-Brahmins suitable for appointment.

117. Then again take the probationary deputy superintendents of police. The number of qualified men from among the depressed classes is four, but only one has been finally selected ?—There the exact proportion has been followed.

118. But the proportion as regards Brahmins in the Indian Audit and Accounts Service has not been adhered to ?—Presumably because the Board could not find suitable candidates from the other classes.

119. And that is the reason why I say the two applicants from the depressed classes ought to have been selected ?—Whether they are fit or not ?

120. But you say they are eligible ?—That does not mean that they are fit for the appointment.

121. Item No. 5 (b), the number of eligible applicants from the depressed classes is 10 and there also they thought fit to omit two and they took only eight out of the 97 candidates finally selected. In the selection in February, 1927, eight graduates from among the depressed classes have been declared eligible but only four have been selected. Then sub-inspectors for Madras City Police, four have been found eligible but only one has been selected. You mention only sub-inspectors for Madras City Police. But what about the mofussil district police ? Who recruits them ?—I think it is the Deputy Inspectors-General of Police.

122. Can you tell me how many have been selected for the mofussil district police from among the depressed classes ?—I could not answer that off-hand.

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* Vol. VI.

130. *The Chairman*: I will put a few questions on the redistribution of the areas. The relevant document, I think, is the Madras Government Memorandum on "The Redistribution of the Provincial "Area."*—Yes.

131. I have been given a note by Mr. Bhore who, as you know, is well versed in the conditions in the Madras Presidency. I will read the note. The main language areas in the presidency are five, namely, Tamil, Telugu, Malayalam, Canarese and Oriya, is not that so —Yes.

132. Have you got a map showing in different colours the extent and position of these language areas ?—Yes, sir.

(*The witness handed to the Chairman a map of the linguistic survey of the Madras Presidency*).

133. If my colleagues will look at pages 579 to 582† of the Government book they will find there set out the arguments for and against the proposal to constitute a separate Andhra province; that is, Telugu, I think ?—Yes.

134. Have the figures of income and expenditure for that area been ever worked out ?—No effort has been made. As has been explained, a resolution was passed by the local legislature which was forwarded to the Government of India. But the local Government decided not to make any investigations until they were asked to do so by the Government of India.

135. Let us take Mayalalam; that is Malabar, I think ?—Yes, it is one district.

136. Have you anything to say about that. To make a general proposition that the provinces should be reclassed on a linguistic basis is the simplest proposition in the world to make, but it is not so easy to carry it out ?—Malabar and possibly the southern portion of South Kanara will be too small for a province. About a quarter million Malayalam-speaking population are in the South Kanara district.

137. Kanarese ?—In South Kanara nearly 540,000 speak Tulu.

138. That is Mangalore ?—Yes. A quarter million speak Malayalam, 220,000 speak Kanarese and 175,000 speak Konkani.

139. Taking the whole portion of South Kanara it is a minority that speaks Kanarese ?—Yes; the total population is 1¼ millions.

140. Where is Canarese spoken in the Madras presidency ?—In parts of Bellary and the Nilgiris.

141. In the great city of Mysore what is the language that is spoken ?—I believe it is mainly Canarese. I think these figures from the census of 1921 will be of interest to the Conference. Out of 10,374,000 who speak Kanarese, 2,400,000 are in the Bombay Presidency, 1½ millions are in the Madras Presidency, 1½ in the Nizam's dominions, 4¼ in Mysore, 75,000 in Coorg and ½ million elsewhere.

142. That is to say practically half the Canarese-speaking people of India are outside British India ?—More than half.

143. What have you got to say about Oriya ? We have heard a great deal about this when we were in Patna. I think it is the district of Ganjam ?—Yes. There is a great deal about it in this book, and I do not think that I can add anything to what is contained there.

144. The note given to me goes on to say: The principal objection raised by the Madras Government to the transfer of Ganjam to Orissa is that the question is complicated by the presence of Telugus in larger or smaller numbers in most plains areas in the district and that it would be no less a hardship to the Telugus to separate the Telugu population of Ganjam from the rest of the Telugus of the province than it is to the Oriyas to maintain the existing separation of the Ganjam Oriyas from their countrymen in Orissa ?—Yes.

145. How long has the present arrangement which associates Ganjam with the Madras Presidency gone on ?—It is over a century.

146. As regards the Agency areas, the Madras Government contend that the inhabitants of the Agencies have no affinities either ethnic or linguistic with the Oriyas, that there is no justification for their transfer to Orissa and that such transfer would in certain cases, as for instance that of the Savaras of Ganjam, result in splitting up these people between two provinces ?—Yes.

147. *The Chairman*: The difficulty is that all the people who speak the same language are not in the same place. One of the difficulties which occurs to us is this. I do not know what Sir Sankaran Nair and my other colleagues think about it. I have very great difficulty in supposing that any report that could be made as the outcome of this Conference could possibly go to such precise lengths as to draw a whole set of new boundaries. It may well be that we have to form a view on this important question first of all in the abstract, and secondly that we ought to provide in a carefully digested form the principal information and considerations that bear on these things. It is conceivable that there may be special cases which need consideration more than others, but as a practical matter I do not quite see how we can expect that any report could go to the length of limiting the boundaries. Then again you raise the enormously difficult question of finance. How far do you think we shall be able at this stage to go or hereafter to go ? Should we consider whether there ought to be in our judgment some machinery which might be set up for considering this question. What do you feel about it, Sir Sankaran Nair ?

Sir Sankaran Nair: If the proposals are dependent upon the division of the provinces then we might have to consider the question; otherwise I do not see why we should trouble ourselves.

Sir Hari Singh Gour: We have first to consider whether a prima facie case has been made out to refer the matter to a committee. So far as Madras is concerned you can see for yourself that there are a number of languages spoken and on the face of it it is almost impossible to divide the province.

Lord Burnham: The question is dependent upon the larger principle, namely, whether it is advisable to begin to break up these presidencies and provinces in India, including the more recent ones, into a number of smaller ones.

Sir Hari Singh Gour: We might confine ourselves to the broad question, and so far as the Madras Presidency is concerned I respectfully submit that we may take the broad question whether a *prima facie* case has been made out for the dismemberment of this presidency.

Major Attlee: A constitutional point may arise, and that is the question of the suitability of an area like the Madras Presidency for what you call democratic institutions. At present, I gather, the people of Madras have to carry on their discussion in English because there are very many languages that are spoken here; and this militates against their political consciousness. A good many considerations also arise with regard to the size of the constituencies. I should imagine that under the present system you cannot get any one elected to the council unless he speaks English.

Sir A. P. Patro: There are. There is absolutely no difficulty.

Sir Hari Singh Gour: When they speak in Urdu it is time for us to go and smoke in the lobby.

Sir A. P. Patro: There are members coming from Telugu districts who do not know English, and there are others who know only Tamil, but most of the Telugu members understand Tamil and the Tamil members understand Telugu.

Colonel Lane-Fox: So far as it touches the position of the Indian States it is one that we cannot deal with satisfactorily.

Lord Burnham: This is the problem that has been set for the Peace Conference, *mutatis mutandis*. They had to decide all racial questions though it has not been an easy business, and one that is not wholly successful. So far as Europe goes they are trying

* Vol. VI, p. 573. † Vol. VI.

arrangements of national gatherings where each race, each people, talk their own language if necessary and if they wish.

The Chairman: I am glad we had this preliminary talk. I think we may have to consider amongst ourselves what course we had best to take about these different suggestions. I have great natural sympathy myself with the body of people who feel that their own race and language are very important to them. But after all we have to deal with this as a constitutional matter. I think it may be useful to consider what we will do later on.

Mr. C. A. SOUTER, I.C.S., Secretary, Public Works and Labour Departments, Government of Madras, and lately Agent for Vizagapatam Agency.

148. *The Chairman*: I think, Mr. Souter, at present you are Secretary of the Public Works Department of the Government of Madras ?—Yes.

149. And you were Collector of Vizagapatam ?—Yes, I was there a little over two years.

150. And you were in charge of a very large Agency tract ?—Yes.

151. And then you have also been Collector of South Canara ?—I was there for about a year and a half.

152. I think this is the tract in which the Laccadive Islands are ?—The northern half.

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153. *Mr. Cadogan*: This subject is dealt with from page 138 to 142.* I just want to put one or two questions on section 8. It says: "Under Section "52A (2) of the Government of India Act, the "Governor General in Council has declared that the 'Laccadive Islands and Minicoy and the Agency "portions of Ganjam, Vizagapatam and East "Godavery districts are backward tracts and has "limited the application of the Act to these areas." I understand that some years ago the Agency portions of the Ganjam, Vizagapatam and Godavery districts were constituted into a single Agency ?—Yes.

154. Under a single administrative officer ?—Yes.

155. But since you have reverted to the previous system of attaching the Agency portions to the adjoining districts ?—That is so.

156. Why was that reversion made ?—The main reason was financial. The idea apparently was that the Commissioner for the Agency should have charge of all the Agencies in the three districts and the main purpose of the formation of the Commissionership at that time was that the Agency should be developed, and for that purpose of course a very large amount of money was required. Unfortunately during those years the Madras Government was under financial stringency and mainly on that ground, in 1923 they abolished the Commissionership though, it is stated here in the Government Order, with great reluctance.

157. That would have been the best method of administering the Agency tract ?—And to develop it. As the Government Order says: "The financial "difficulties and the need of expenditure on the "administration in other directions have further "rendered it necessary to examine the question "whether it was essential to retain the Agency "Division as a separate entity."

158. *The Chairman*: The point is the saving of expenditure on a separate Commissioner and his staff ?—Yes. They divided up the Agency into a large number of divisions each under the control of a sub-divisional officer, and he necessarily had his staff, and that was mainly for the purpose of developing the Agency efficiently and thoroughly. But when it was found that they could not have money to put into the Agency, naturally this very large increased staff became unnecessary as the Agencies had been carried on for many years before under the Collector as Agent to the Governor with his ordinary staff. It was considered then that the extra expenditure on the staff was not justified.

159. *Mr. Cadogan*: You did not say how far the existing system had been productive of any progress ?—I could let you have some figures on that if it is of any use.

160. I only wanted to draw some generalisations ?—I have figures made out here, comparisons between 1920 and 1928, the last eight years, and I find that in Ganjam in the matter of schools there were 155 in 1920 and there were 341 at the end of 1927. In Vizagapatam in 1920 there were 70 schools, in 1928, 435 schools. In East Godavery there were 51 in 1920 and 215 in 1928. I have got some figures here for dispensaries and so on also. There has been a large increase in the number of dispensaries and medical relief generally in the last few years.

161. *The Chairman*: When the Governor General in Council under Section 52A (2) declared these as backward tracts, of course one result of that is that legislation, new legislation, would only apply to that area under certain restrictions. But does it at all affect the administration of the area in matters like education, and so on ?—No.

162. There is nothing significant in being a backward tract from that point of view. It will be all under the Minister of Education ?—The Agencies at present are reserved.

163. Altogether ?—Yes.

164. I see. I missed the point. So that wherever there is an Agency it is entirely reserved and the matter is one which would be administered apart from the minister ?—At present it is administered by the Revenue Member.

165. *Mr. Cadogan*: Is it your opinion that the present system should continue ? What considerations make it inadvisable that these backward tracts should be brought under the ordinary administration ?—I think the main reason is for the benefit of the people themselves. They are an extremely simple and backward people, who practically have no connection or communication with the plains. Their habits are entirely different from those of the plains people, and I think it has been rightly held in the past that contamination with the plains people will not be good for them.

166. You think that the present system should continue ?—I certainly think so.

167. What are these outbreaks, these *fituris* ?—It is very difficult to say generally what are the causes of *fituris*. As far as I can make out from the various materials I have—I counted something like 18 in the last 80 or 90 years—it is very difficult to say what the causes are. Various grievances have been alleged for these *fituris*, that they were not allowed to use the forest as they were before, and so on. Another cause, probably this is the more general reason, is that they have been influenced by people coming up from the plains who have preached various stuff to them more or less turning their heads. The last *fituri* we had in Vizagapatam was certainly fomented by a man who came up from the plains and claimed to be a sort of Raja and claimed immunity from harm and said that he would win victory, and these simple people followed him.

168. *The Chairman*: Has he come to any harm ?—He is dead. It took him two years to do it.

169. *Major Attlee*: What is the relationship between these people in the hill tracts of Ganjam and the plains people there ?—No relationship at all.

170. Do any traders go up from the plains into the hills ?—A certain amount, more of recent years. But not one of these Agencies has got a railway

* Vol. VI.

communication. You have got to go up by road. In Vizagapatam which I know best the Agency consists of two plateaus, one 3,000 feet and the other 2,000 feet high with practically a single road connecting with the plains, and the plains men are afraid of going up for the tigers and malaria and that sort of thing. There are a few traders in Jeypur itself who export to the plains, mainly rice.

171. *Mr. Cadogan* : Many scraps among them ?—Very few scraps. The only scraps are with the Government—the *fituris* ; otherwise there is very little.

172. *Mr. Siva Rao* : The Agency tracts are under the administration of the Governor in Council and these islands are also administered by the Governor in Council. So far as the islands are concerned they are outside the purview of the legislature ?—I must make a clear distinction there, that the islands are administered under a regulation, and only under that regulation, nothing outside that.

173. What would you propose if there were no executive councillors ? Would you allow these tracts to be administered by the Governor alone or by the new executive government in case of provincial autonomy ?—I presume it depends on what form of government you have.

174. *The Chairman* : At present the Agency in administrative matters is a reserved subject, and so the question that has been put to you arises. What happens to the Agency then ? Will it come under the ministry or do you think it should be in some way reserved in charge of the Governor ? You are not offering an opinion on that ?—I think it follows naturally from the fact that I consider that the Agency should remain as an Agency and that it must have some special form of government. I cannot see very well how you could get round that.

175. *The Chairman* : I may say that was the view taken by people in places like Assam where similar questions arise about the Naga Hills and so on ?—One solution would seem to be that there might be a portfolio under the Governor. But if that is the case, of course he will have to have a separate secretariat for that alone. I think that will naturally follow.

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MADRAS.

Dated, 21st February, 1929.

Morning.

PRESENT :

ALL THE MEMBERS OF THE COMMISSION (EXCEPT COLONEL LANE-FOX), OF THE CENTRAL COMMITTEE AND OF THE MADRAS PROVINCIAL COMMITTEE.

Mr. HILTON BROWN, I.C.S., Secretary, Local Self-Government Department, Madras.

1. *The Chairman* : Mr. Hilton Brown, the members of the Statutory Commission have all had the pleasure of meeting you before, when you were in the mofussil, and I think you are now the Secretary of the Local Self-Government Department ?—Yes.

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2. *Major Attlee* : I want to get first of all a general picture of the organisation of the local self-government in this Presidency. You have got, first of all, the Madras Corporation, which has its special Act, like most capital cities ?—Yes.

3. And then you have got districts in the mofussil covered by the Madras District Municipalities Act, 1920, and then in the rural areas you have got district boards ?—Yes.

4. Taluk boards and union boards ?—Yes.

5. And I think the district board membership is elected by the electors of the taluk boards ?—Yes.

6. They are indirectly elected ?—Yes.

7. Would you just tell me what the union boards are ?—The union boards are bodies which are charged with looking after the general sanitation and water supply, and matters like that, in up-country villages which have a slightly " towny " character, if you understand me.

8. In the large villages ?—Yes, as it were a very small municipality.

9. And in the villages you are starting a system of village panchayats ?—Yes ; that is under a separate Act altogether, and they do not at present really rank as a local body at all. The present proposal is that they should be made units of local self-government. that is to say, they should be the lowest step in the ladder which you have just given us.

10. I gather there has been some suggestion about the smaller bodies, of dividing up taluk board areas ? —Yes. The question is, if we make the panchayat the unit of self-government, what are we to have between the panchayat and the district board ? Should the existing taluk boards remain, and if so, in what form ? The legislative council some time back passed a resolution that taluk boards should be constituted for each taluk. A taluk is a revenue sub-division of a district. You have a district which may contain three or four or five divisions, and each division may contain two taluks. At present, under the existing state of things, the taluk board is the same as the revenue division in most cases, but the proposal of the council was that each taluk board should have one taluk. That was not approved by Government at the time, but since then there has been a tendency amongst taluk boards to split up, and as a result they have increased in number from somewhere in the nineties to about 125, I think. If they want to split up we do not stand in their way.

11. Of course, if you did abolish the taluk board, you would have to get some other basis of election for your district board, would you not ?—Yes, of course. I suppose that if you still maintained the system of indirect election the panchayat members would have to form an electorate for the district board.

12. But I gather it would be a good many years before you got a complete network of panchayats throughout the districts ?—It may be a considerable time, or it may not. It just depends on how much the system is pushed forward. They are growing in number very rapidly indeed at present, and Government are now encouraging them by direct state aid financially, and therefore the likelihood is that they will multiply more quickly.

13. I would like to ask you a question or two about each of these various units, taking Madras City first of all. I notice that on page 357* is given the basis of the electorate ?—Yes.

14. And on page 358* is the total number of electors ?—Yes.

* Vol. VI.

15. I notice that that is not increasing, but is rather going down. At present it is 4·8 per cent. of the population ?—Yes.

16. That is rather a small proportion, is it not ?—It seems so, yes.

17. A rather high franchise, the house of the annual value of not less than Rs. 60—I suppose that excludes the bulk of the working population of Madras ?—Well, any one who pays any property tax, company tax or profession tax comes in as well.

18. I suppose that would exclude labourers ?—Yes, it would. It, roughly speaking, comes out at about 5 per cent. of the total population, or perhaps 20 per cent. of the literate population.

19. Has any suggestion been made for increasing the numbers, to widen the franchise at all ?—Not so far as I am aware, in the Madras Corporation.

20. *The Chairman* : May I just interpose to see if I have understood. Is the qualification for a vote for electing a member of the Corporation of Madras the same qualification as the qualification for a vote inside the City of Madras for the Legislative Council ? It seems as if it were the same.

Sir A. P. Patro : Yes.

21. *The Chairman* : So that if a man has a vote for the Legislative Council he has a vote for the Corporation, assuming he resides inside the area ?

Sir A. P. Patro : Yes.

22. *Major Attlee* : I see on page 359* you show that a very high proportion of voters go to the poll ; in a great number of wards it is over 80 ?—Yes, it is much higher in the Corporation than elsewhere. It dwindles down as you go down the scale of local bodies to about 65 or 70 in taluk boards, and falls down to about 50 in the case of union boards ; and as regards panchayats we do not know, because we keep no record of who comes forward there.

23. I suppose it is easier to organise in a city ?—Yes.

24. Now please turn to page 365.* I notice there, in section 13, that you have a Commissioner appointed by the Government ?—Yes.

25. And he is not a member of the council ?—No.

26. But he has to carry out the resolutions of the council. You have a system here, I gather, of appointing by the Government the officials for the local government authorities in Madras City ?—In Madras City we appoint the Commissioner, and we approve the appointments of the health officer, the engineer, and the revenue officer.

27. Am I right in saying that elsewhere in the Presidency, except for engineers, who are, I think, Government servants. . . . ?—Yes, district board engineers are.

28. Otherwise there is no regulation with regard to the appointment of trained staff, except the health officer ?—Except the health officer, no. Municipalities have to have a health officer. District boards must have a health officer, and besides that, municipalities have an engineer, and usually a sanitary inspector or sanitary officer ; but the engineer and the sanitary officer are appointed by the municipality.

29. But in the mofussil municipalities and in the district boards the executive officer is the chairman ?—The chairman is the executive officer in municipalities in the mofussil, and at present in the case of district boards. There was a proposal to put in executive officers on the ground that many chairmen, being non-official people otherwise employed, had not sufficient time to devote to their duties, but generally speaking I do not think that that proposal was very popular.

30. I will just bring out the point we have brought out in other provinces, that in former times the collector was the chairman of the district board ?—Yes.

31. And often the chairman of a municipality as well ?—He might be.

32. And he utilised his staff as a general staff for carrying on all the activities in the district, municipal and otherwise ?—Yes, and he had a special branch in his office which did district board and municipal work ; it was called the Local Funds Branch.

33. And when the change was made to elected chairmen, it meant taking away not only the official chairman but his staff ?—Yes.

34. Have you known of any other municipality outside Madras City that has an executive officer ?—I do not think that any has an executive officer, no.

35. Can you tell me at all what sort of an official there is through whom the chairman of a district board can operate, to whom he can give his orders; apart from the technical staff ?—There is really nobody, except his engineer, who does his engineering work, and the health officer, who looks after the health and sanitation point of view.

36. That is a contrast between the Madras Corporation and the rest of the self-governing bodies in this Presidency ?—Yes, it is a difference.

37. On page 378* there is one point I should like to have explained, under " Drainage " : " The Govern- " ment are financing this work as also the water- " supply by making a free grant of half the capital " cost and lending the other half to the Corporation." Is that a common practice in this Presidency ?—Oh, yes.

38. For the Government to lend and to make a free grant ?—Yes, it is a common practice, especially in regard to water-supply and drainage schemes. Government very generally gives a half grant and also makes a loan to the Body that is doing the work.

39. Do you think that is a sound practice from the point of view of general municipal procedure ?—In what way would you think it was not ?

40. One would have thought that the drainage of a town was an elementary thing that the town ought to do for itself ?—Yes. You think that the Corporation should raise the money for itself ?

41. I suppose Madras City is a comparatively wealthy area ?—It is a comparatively wealthy area, but we have never been quite satisfied with the arrangements they make for raising money, and their finances have generally been the subject of criticism in Government reviews of their administration reports.

42. When a grant is made like that, what steps are taken by the Government to see that the money is properly expended ?—In the first place, we should receive a progress report to say what had actually been spent. On the 15th November presidents of district boards would send in a report saying what they had actually done, and then after the work has been done, one of our inspecting officers will inspect the work and see that it has been satisfactorily completed. In the case of roads, they will be inspected by the superintending engineer under the Public Works Department, and water-supply and drainage will be inspected by the sanitary engineer ; and so far as the plant goes the inspector of boilers has to inspect that ; and generally we have an inspection by some Government official to see that the work has actually been done.

43. Take the question of Revenue. Is that satisfactory in Madras ? I see that there is a falling-off in payment of tax.—It fell off for about three years, and then it got better again. It was about 92 per cent. in 1920, and then it fell to 84 in about 1924–25, and it has now risen again to 90. But some of the taxes have displayed a steady falling off. For example, the property tax ; there has been a steady falling off in the collection of that straight through, from 94 to 88.

44. Is there a reluctance of citizens to tax themselves in Madras City ?—In Madras City there was this trouble about the property tax. The old Act levied 18½ per cent., I think, on the annual value of land and buildings, and they first adopted that 18½ per cent. ; and then on the plea that trade was deteriorating and that everybody was hard up they brought it down to about 17 ; then two years ago

* Vol. VI.

they brought it down to 13½ per cent., and since then the finances of the Corporation have suffered considerably.

45. Do you think that reluctance might be overcome by a rather wider franchise ?—I do not think that would make much difference.

46. I was only going on our experience at Home. On page 279* I see you have introduced compulsory education in Madras City ?—Yes.

47. But so far no drastic steps have been taken ?—I understand that they have not ever adopted any really coercive measures. There is an attendance committee, and they make house-to-house visits; but as regards punitive efforts, I do not think much has been done.

48. They try peaceful persuasion ?—They tried free meals at one time, but I understand that there is no such provision in the current budget.

49. *Lord Burnham* : Free meals, clothes and books, I see ?—Yes. I think they are going to give up the free meals this year.

50. *Major Attlee* : On pages 382–3* there is a report on the health conditions of Madras City, which are pretty terrible reading ?—Yes.

51. Could you say what steps have been taken since that report, or whether any effective steps have been taken to remedy this condition ?—The Committee and the Corporation made a number of recommendations. I think the only thing that actually has been done is this. One of the recommendations of the Committee was about better forms of dustbin, and I think the Corporation has succeeded in getting by-laws framed to deal with the dustbin question; and they have also applied to us for a grant of five lakhs for housing, but as the scheme was not at all in a cut-and-dried condition when it came to us, that is held up; and they also applied for a 10-lakh loan, or rather they have passed a resolution that they will apply for a 10-lakh loan, and that they will increase their taxation in order to meet that loan, which is a satisfactory thing to hear. These three things are all that have actually been done as a result of the recommendations of the Committee.

52. *The Chairman* : I see the Committee was appointed in 1926 ?—Yes.

53. Did it report in the same year ? I want to see how long a time has elapsed.—It was in 1927, I think, that we got the report. Yes, it was forwarded to us in the beginning of 1927.

54. *Major Attlee* : What would you say generally with regard to the work of the Corporation ? Has it been satisfactory ?—Except in the financial way we have had very little criticism to make of it; but at one time their conservancy was very bad.

55. In a financial way, do you mean ?—In the way of raising taxes to make themselves financially sound. You see, they come to us for loans, and unless we can be perfectly sure that they are in a position to pay off the annuity, we cannot give them the loans. There are several things that we have commented upon favourably in the administration reports. The City's lighting has always been very good; I think it is one of the best in India; and latterly child welfare has been looked after very well.

56. *Sir A. P. Patro* : The roads are good also ?—Yes, that is another good point.

Major Attlee : Well, they are still faced with this condition of affairs, which suggests that living in Madras is a dangerous occupation.

57. *The Chairman* : You say infant welfare has been very well done, but one sees on page 383* that "The true infantile mortality rate is somewhere about "†500 per 1,000 based on the census population of "this age group." That is the position of affairs after infant welfare has been very well done ?—Well, it was not very well done in the past, but recently it has been taken up, and a good deal of attention has been paid to it.

58. *Major Attlee* : With regard to district municipal councils other than Madras City, I see the qualifications set out on page 388*. You say that the elections are not so keenly contested in the mofussil as in Madras; not so many electors go to the poll ?—Not so many electors go to the poll, but the keenness and contest are quite as great, I think.

59. On the whole, what would you say with regard to the work of the municipalities ?—Well, I think we might say that about half the municipalities in the Presidency have worked satisfactorily, and about half of them have not. That is based on our reviews of the annual administration reports. We get an administration report every year from every local body, and we pass a review upon that, and from going through these reviews I find that that is about how it works out.

60. Take an unsatisfactory municipality. How far do you think that is due to a lack of a trained staff—I am not meaning a technical staff, but a trained local government staff ?—You have nothing comparable with a town clerk at Home ?—No.

61. Is it a matter of a municipality being lucky in getting a good chairman or a bad chairman, whether it is put into the category of good or bad ?—Yes, I think so. The chairman being an executive officer, naturally the character of the chairman is reflected on all the activities of the municipality. We have urged upon various municipal councils to appoint a revenue officer to help them with their collection work, but not many of them have done so. Where it has been done, the collection work has improved.

62. Where the conditions are bad, what steps are taken by the Government ? I see on page 404* you set out certain powers of supervision and control ?—Yes. We have a pretty fair control over municipalities, but one thing we lack very badly is any power to deal with a chairman who is obviously going off the rails.

63. *Lord Burnham* : What do you mean by going off the rails ? —I meant not conducting the municipality as he ought to do.

64. Do you mean he is corrupt ?—Partly that, and partly that he is incompetent, partly that he subordinates public good to his own private factions. For all or any of these reasons the chairman may be unsatisfactory, and in such a case we have no means of getting rid of him.

65. *Major Attlee* : Have you power to dissolve a municipality ?—Yes, we can abolish it altogether under Section 5 of the Act, or we can dissolve it and reconstitute it immediately, or we can supersede it for a period of two years.

66. It looks as if your powers were rather those of the bludgeon than of persuasion ?—I am rather glad you have said that, because that is certainly a fact that gives us a good deal of trouble. Our powers are very much of the sledgehammer type, and very often we have to use that sledgehammer to kill flies.

67. You have not got any system of local government board inspectorate that goes round, or any system of advice ?—Oh, yes, we have an inspector of local bodies who is in an advisory capacity, and if any local body is in a difficulty he goes to it and advises it how to get out of it.

68. But does he go before ? Perhaps if they were in such a difficulty they would rather not let him know. Does he go and ask ?—He goes round, and of course if it is brought to his notice—he is always touring about—and if any difficulty comes to his notice either by application of the municipality or in other ways, he can take action on it; but the difficulty is, of course, that we can advise, but we cannot enforce.

69. Have you any power of surcharge ?—Yes.

70. Is that put into force ?—Yes.

71. Can you put the councillor in prison if he does not pay up his surcharge ?—I do not think it has

* Vol. VI.

† NOTE BY WITNESS.—These figures, although supplied in the official memorandum, require verification. I doubt if the infantile mortality rate has recently been much above 300 per mille.

* Vol. VI.

ever occurred that we were driven to that length. The procedure is that the accounts are audited every year, and notice is given of any irregularities detected, and the chairman is told to put that right within a certain time. If he fails to do so, a surcharge certificate may be issued, in which case he has fourteen days to appeal to the local Government or the civil court. If he does not appeal within that time the surcharge is confirmed.

72. How far have you utilised the power of making grants in aid to local councils and district boards, and so on, as a means of keeping control over them ? We have that system at Home whereby a grant in aid of so much is made for particular services, and in return you get inspection, seeing that the money is properly expended and the standard is kept.—Yes, if we give a grant for any specific purpose, some officer of Government in the appropriate department will inspect the work and see that it is done. Our grants are made on the post-payment system ; they are paid after the work is done, and unless we are assured that the work has been done we do not pay, or we pay so much less.

73. You make pretty big grants, I notice on page 409* and elsewhere. On page 409* I see " Government " grants, 12·3 lakhs." Are those grants of the nature of free grants, or are they special grants for a particular municipality or a particular board ?—They are grants for a specific purpose of some kind or another.

74. Are those to a specific local governing unit, or is there a general system that for a particular service so much is given ?—No, each is given to an individual body for a specific purpose, except, perhaps, in the case of education, where we give an amount equivalent to that which they themselves raise.

75. You say that the powers of superintendence and control in the hands of a minister are really adequate ?—I think we might say so, yes, except, as I say, in the one point that we want some strengthening of our hands to deal with the chairman or the president who misbehaves himself.

76. Would you say there was much corruption in local bodies ?—I should be very sorry to think it of some people I know who are chairmen of local boards and of municipal councils, but I am afraid there have been such instances.

77. They are apt to occur in all systems at times. You do not think it is very widely extended ?—It is very difficult to say, because naturally we cannot ever succeed in getting very definite evidence in cases of that kind.

78. There is not a watchful opposition party, so to speak, on the body that would observe it ?—There is a watchful opposition party, but unfortunately you cannot believe what they say. It would not do to trust entirely to the statements of the opposition party.

79. I notice you have here rather a special thing, and that is the provincialisation of your local fund engineering services ?—Yes.

80. That system has worked well, has it ?—That system works well on the whole.

81. The engineer, as I gather, is a servant of the Government, but he is under the control of the local body ?—Of the president of the district board, yes.

82. Is there any difficulty in that ?—Yes, there is a considerable amount of difficulty at times, if the district board engineer and the president of the district board do not get on very well together.

83. I gather you have a considerable number of women appointed ; you have not had many elected ; to local bodies ?—Not elected ; I do not think they can stand for election in municipalities. They can be elected in rural areas, but they cannot stand in municipalities. We can put them on by nomination ; that is the way they usually get on, and I think we have nominated ladies to about 31 municipalities. One municipality has got two. And, of course, we have no means of knowing how many are put on to taluk boards by the president of the district boards concerned, who makes the nominations ; but one case I do know of, in which a lady was nominated to a taluk board, and the taluk board appreciated her so much that they elected her to the district board.

84. Are there any ladies on the Madras Corporation ?—Yes.

85. Then finally with regard to village panchayats, you have got about 2,500 of them ?—Yes ; about 500 of those do not function.

86. It is comparatively recent, is it not ?—The village panchayat system, of course, is very ancient indeed, but the Act on which we are working is an Act of 1920.

87. How far had village panchayats dropped out until their revival by this Act ?—I think they had dropped out very considerably. The tendency amongst the country people was to give up the old system of having their differences adjudicated by panchayats, and to go to the courts of the sub-magistrates and similar people.

88. How are they financed ?—The panchayats have not any obligatory taxation, but they may raise various taxes—a house tax and profession tax, and then they have a lot of miscellaneous fees for collecting various things for communal purposes, and also latterly Government are giving them direct State aid. The complaint was, you see, before, that the panchayat could not be expected to do anything, because it had no funds and no means of raising any funds, so Government started first of all by giving them a grant for libraries, and they have been continuing that, and then about two years ago we started the minimum teaching grant of Rs. 180 for schools, and the last thing we have done was to give a grant for the improvement of village communications. We have given about a lakh and a half for that.

89. How is the panchayat elected ?—By a show of hands. It is purely informal.

90. *The Chairman* : Might I just ask one question on that last point. You told us some time back that the system of panchayats, though it was growing, had by no means extended all over the Presidency, and that there was a long way to go before it could be complete. What sort of figure should one have in mind to contrast with the 2,500 panchayats actually established, as the sort of figure which would be reached if panchayats did spread right through the Presidency ?—If you had a panchayat for every village in the Presidency you would have 50,000.

91. They might be grouped together ?—That would probably be so. The idea at present is to institute a panchayat in every village, but that may not be workable, especially in backward tracts. It would be probable that we would have a group of villages, so if we had a panchayat for every five villages, that would work out at about 10,000 panchayats.

92. I only want to see the proportion, because people sometimes suggest that the panchayat is the unit on which we should build up. It is no good talking in that way if it does not exist over three-fourths of the area, and that seems to be the sort of position—or four-fifths of the area, perhaps, has not come under that system ?—That is the position.

93. *Mr. Hartshorn* : Could you tell us what proportion of the population is covered by these panchayats ?—Not without looking it up and calculating it out. I could hardly say it off-hand, I am afraid.

94. What is the nature of this profession tax ? Who pays it ? Is it confined to any particular classes, or is it on an income basis, or what ?—It is a sort of minor income-tax, really, on any one exercising a profession. It is a rather long section to read.

95. I have been told—I do not know whether it is correct—that this profession tax has to be paid by every one with an income of more than Rs. 100 a month. Is that correct ?

* Vol. VI.

Sir A. P. Patro: By every one with an income of Rs. 30 a month.

96. *Mr. Hartshorn*: You mean to say that everybody, regardless of occupation, who earns not less than Rs. 30 a month has to pay the profession tax?

Sir A. P. Patro: Yes.

97. *Mr. Hartshorn*: Whether he is a clerk or an industrial worker?

Sir A. P. Patro: Any one.

98. *Mr. Hartshorn*: That is the definition—Rs. 30 a month?

Sir A. P. Patro: Yes.

99. *Mr. Hartshorn*: Could you tell us how many of those are registered in Madras City?—I am afraid I could not off-hand. I could find the information for you if you would like it.

100. The reason I was asking about that profession tax was this. I see that in a population of 430,000, the figure given in these documents of persons qualified for the vote under the different taxes, property tax and income-tax and company tax and this profession tax, is less than 18,000?—Yes.

101. And when you take into account that everybody with an income of Rs. 30 a month is entitled to qualify, it does seem a remarkably low number?—Yes.

102. Do you think that everybody with an income of Rs. 30 a month is paying that profession tax?—I do not think they can be.

103. You think there must be a very much larger number of people?—Yes.

104. *The Chairman*: The officials no doubt have to pay it?—Yes.

105. *Mr. Hartshorn*: It is deducted at the source, I suppose, is it not?—No, it is not deducted at the source, but they send round a demand.

106. I want to ask a question about the Madras Corporation. I see on page 358* of this book you give the results of each election for Madras City, and they show an improvement as the elections go on. I have checked the last election, and I see that in most cases 80 per cent. or more of the electors went to the polls?—Yes.

107. It is divided, I think, for electoral purposes into about 30 divisions?—Yes.

108. I find that the average in all of these divisions is just over 80 per cent. That seems to indicate that there is a very keen interest taken in the municipal elections here in Madras?—Yes.

Mr. Hartshorn: We are keen on municipal elections in Britain, but I do not think you can find in any of the big municipalities in Britain a better record of voters turning up than the last election here in Madras.

Lord Burnham: There are a great many worse.

109. *Mr. Hartshorn*: Yes. What I wanted to know was this. Having regard to the keen interest displayed in Madras City, do you think the time has arrived when we might experiment with adult suffrage in this one city? Do you think there is a sufficiently keen interest in the vote to apply adult suffrage to the city?—The general tendency of opinion, non-official opinion, is in the direction of adult suffrage at present. One objection to it would be that as at present constituted, we have elections every three years. If you adopted adult suffrage you would have such an enormous electorate to canvass that you could hardly have an election every three years. The period would have to be extended.

110. You would not have a bigger electorate than in many of the cities of England?—No, but the conditions are entirely different. We have illiteracy to contend with.

111. And we were told yesterday, I think, that there is no insuperable practical difficulty in the way. As far as the machine is concerned, it could be set up for Madras?—Yes.

112. Having regard to the record of the last election, and the way those already on the register are recording their votes, do you think it would be a good thing to apply adult suffrage here?—I do not think there would be any harm in it. I think it might be tried.

113. *The Chairman*: Just on that last point, I see that according to this book, on page 361*, illiterate voters are allowed to have their marks fixed on the ballot paper on their behalf and in their presence by a friend or relative who may accompany them to the polling booth for this purpose. "This has led to malpractices." Do you know what is referred to there?—I do not.

114. One would guess it means that there is reason to think that sometimes the alleged friend has not carried out the wishes of the illiterate person he is accompanying?—Yes.

115. Of course, if you were to have adult suffrage in Madras you would enormously increase the number of illiterate voters?—That is another objection, yes, and you would have to invent some system of recording the votes of illiterates to prevent malpractices of this kind.

116. *Mr. Cadogan*: I want to ask a question on the subject of the powers by which, under the various Acts, Government exercises municipal control. Have the occasions been frequent on which those powers have been exercised—those set out on page 404* ?—Those are the powers of suspending and cancelling resolutions?

117. Yes.—Yes, we have had to resort to that frequently, partly because of the defects in the existing Act. For example, if I might give an illustration, we have had a lot of difficulty about erection of rice mills and things of that kind, municipalities giving permission to erect these mills in unsuitable localities, and we have suggested to municipalities that they ought to set aside a portion in their town where these things should be erected, and that they should confine them to that area. Similarly, we have told them that they should consult the health officer before granting permission. We give them that advice; we have no means of enforcing it as the Act stands at present. There is no statutory obligation upon them to consult the health officer, or to set aside this area, and so the only way we can deal with a permission which has been given which we consider ought not to have been given is to stop it by suspending or cancelling the resolution of the council which gave the permission. A few practical amendments in the Act would cut down the number of times we are forced to resort to this cancelling power. I can give you rough figures as to the number of councils that have been dissolved or superseded. There has been only one district board which was dissolved, 7 taluk boards, 6 municipalities, and about 132 unions. But I cannot say whether all the unions were dissolved for any fault or not because I have not got particulars of them. The one district board, 7 taluk boards and 6 municipalities were definitely dissolved or superseded or abolished because they were not working properly. These are all which are dealt with in the eight years during which the Act has been in force.

118. *Mr. Hartshorn*: I notice on page 358* you give in the Table the percentage of registered voters to total. Under "population" for the year 1927 you give the figure 4·8 and in the next column, literate population, you say 15·1. Am I correct in assuming that the voters are 4·8 of the population and 15·1 of the literates?—Yes.

119. That is to say you have seven times as many literates in Madras City as you have voters; is that correct roughly?—Yes, if I follow your calculation rightly.

120. That is what the figure means?—The figure means that the registered qualified voters are about 5 per cent. of the total population and 15 per cent. of the literate population.

121. That is there are seven times as many literates as you have voters?—Yes.

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* Vol. VI.

123. *Lord Burnham*: Mr. Cadogan asked you some questions dealing with the powers of control by Government over local bodies. You gave the number of those bodies that have been suspended or otherwise dealt with. I see the numbers of the boards are given on page 499.* In regard to the first two, district boards and taluk boards, I did not quite catch your answer. I think the proportion of the boards that have been penally dealt with is fairly high ?—I do not think so when you consider that it is for a period of eight years.

124. How many boards, you say, are dealt with ? —One district board, seven taluk boards and six municipalities.

125. Seven taluk boards out of 129 and six out of 80 ?—Yes.

126. You have got, I see, the power to ask a local board to appoint a health officer and fix his salary and other things. Has that power been freely exercised ?—Yes, regularly.

127. You are satisfied that in this province supervision and control is a real thing ?—Yes, I think so because we have so many different means by which we can control. Besides the mere statutory power of dissolving or superseding local bodies, cancelling any of their resolutions and so on, we can control them by the post-payment system and by our surcharge system and by our executive officers and in various other ways. We prohibit their reducing their taxes if they are in debt to Government and so on.

128. I see you say on page 500* " official control " has been relaxed and restricted to emergencies " when danger to public health and safety is " imminent " ?—I think that refers probably to the emergency powers of Collectors in the mofussil who are empowered to set aside a resolution of the council or to make the council do anything which is manifestly necessary for public health and safety.

129. You do not recommend, as far as I understood from your answers to Major Attlee, that these powers should be used more frequently or that they should be strengthened by Statute ?—I should have them strengthened in regard to the power of removing the chairmen and presidents of municipalities and local bodies. I think—this is my impression and speaking from the very short experience of secretariat work—that the statutory controlling powers might be used more vigorously than they have been used in the past.

130. It has been alleged elsewhere in India that general instructions have been issued to allow the local bodies to profit by their mistakes. Could you say that applies to the Madras presidency ?—I think local bodies have profited by their mistakes being pointed out except in a few incorrigible cases. There have been such cases.

131. In regard to village panchayats, having reference to Appendices I and II, pages 416–7*, the first Appendix gives a list of village panchayats in each district. I see they vary very much. I have no doubt there is a satisfactory reason. For 2,246 villages there are 268 panchayats whereas in other districts with as many villages there are a fewer number of panchayats. What does that mean ?—I think that it really means that in those districts where you see a large number of panchayats, the panchayat system has been more energetically pushed and more energetically worked than in the others. That is one cause. That is to say more honorary organisers of panchayats are found in certain districts. Men have come forward more readily to take up that work.

132. You believe that if more keenness is shown in organising the panchayats you will probably get good results ?—Yes, and in certain districts you have the old traditional system existing by which the villagers manage their communal affairs in a very great degree among themselves. Naturally where there is a basis for the system already, it works more smoothly and you can get the panchayats going more quickly.

133. The statutory panchayat system is entirely elective, is it not ?—Yes.

134. I ask that question because I want to know whether you think that as they have progressed so rapidly in the last few years and are increasing by leaps and bounds it will be possible to use the panchayats as a machinery for secondary election if an indirect election is adopted as a principle ?—That would be the natural outcome of the way we are going at present. If the panchayat is made the unit of local self-government or the lowest step, then probably the elected panchayatdars would elect at least some portion of the body next above them in the same way as taluk boards at present elect district boards.

135. I understand some are in favour of adopting the panchayat as the unit of election ?—There is a very large body of non-official opinion in this Presidency in favour of that. The panchayat is at present rather in an anomalous and unsatisfactory position. It is outside the system of local bodies and it cannot very well develop unless it is somehow or other brought into the system.

136. You think it can be brought in ?—Of course on the other hand it was designed as a purely informal system, rather to regularise the existing age-old village community system than with any idea of forming a constitution.

137. It is the outcome of the old tradition ?—Yes, and if we try to bring it into the local board scheme it will mean a rudimentary alteration in the whole system. You may make the panchayat the unit of local self-government, but you would have to give up the attitude towards the panchayat which we are adopting at present. The existing conception of a panchayat would have to be modified.

138. On the other hand, I gather you are in favour of modifying ?—Yes, because it seems an anomaly that the panchayat should be left to itself outside the scheme and if it is so left, I very much doubt whether eventually it would not perish.

139. In regard to the Corporation of Madras I see on page 388* of this book it is stated that the " relations between the Corporation and the Govern- " ment have been far from cordial " and so on. Does that continue ?—We have had some disagreements with the corporation on some minor matters.

140. I see you have deputed an officer to inspect and report upon the drainage works which are being executed by the Corporation Engineer. Is that being done ?—I am not quite sure about that.

141. I was going to ask you whether in regard to the health of the city and the intestinal diseases, etc., they might safely be accounted for by the state of the water-supply ?—Yes.

142. I was here last year and I was not quite sure whether what I was inspecting was the sewage supply or water supply, I mean from the smell. I was wondering whether that was in itself quite a sufficient explanation ?—One of the recommendations of the committee was that the water supply should be improved and the Corporation are considering that.

143. *Lord Strathcona*: I understand that one of the difficulties of the local self-government is finance and you were speaking of the profession tax. Would it be a fair deduction to make that the main difficulty with regard to finance is faulty or inadequate collection ?—In up-country municipalities certainly it is.

144. Do you know if there are any statistics in regard to this subject published at all ?—You can get statistics from the annual review of municipalities by Government. I can give you some rough figures now.

145. I only want to know whether there are statistics published ?—Yes, they can be got from the Government's annual reviews.

146. About elections we were told that there have

* Vol. VI.

been too many cases of the presidents of local boards using their office and position and their servants in elections in a way which we consider rather improper. Would you care to tell us whether you have had experience of that sort of thing? Have you actually seen it happening in the districts?—I have not come across any specific instance of that sort, but I believe it does occur.

147. *Sir A. P. Patro*: With reference to the last question about the finances and collections I have here, in addition to the statements which the Chairman referred to, annual reviews of the administration of municipalities from which I find that the collection averages between 80 and 90 per cent. ?—I think it is higher. I find that in 1927–28, 48 municipalities collected over 90 per cent. and 25 more collected between 80 and 90 per cent.

148. I took the average to be between 80 and 90 per cent. according to the information which I have been able to gather from the administration reports?—I also find that the number of municipalities collecting over 90 per cent. has increased since 1921.

149. *The Chairman*: Do the local bodies write off amounts which are theoretically due to them but which they fail to realise?—The figures given refer to the current collections, i.e. the collections falling due in the current year. In addition to that they have a list of arrears which they have to collect; if taxes become time-barred, they are written off.

150. The thing that was disturbing us in another province was that there was a strong indication that the arrears were tending to increase. I think Lord Strathcona had this in mind when he put the question. Perhaps you better just tell us this. In this Presidency do you think it will be fair to say that the arrears are becoming more serious, or do you think that on the whole the precision in collection is increasing?—I think the precision in collection is increasing. The arrears are becoming less, largely owing to the surcharge system.

151. *Sir A. P. Patro*: There is now a preliminary audit at the end of six months and a final audit at the end of the year by the Audit department of the Government of Madras?—Yes.

152. The municipalities and local boards are answerable to the auditor for writing off any arrears? —Yes. If taxes have become time-barred obviously through the fault of the person who should have collected them, he may be surcharged for that.

153. You said that nearly half of the municipalities are satisfactory and the other half are not satisfactory. That is no doubt an impression which you have gained as secretary of the department?—It is not entirely an impression. It is based on the study of the reviews of the administration reports. But that again is not wholly dependable because it depends on the attitude which the secretary who reviews the report takes; one man may call satisfactory what another man would call only fair.

154. That is to say the reviews of the municipalities depend upon the person in charge of the department at the time of reviewing these reports?—Yes. But on the other hand as against that there has been a consistent character about local boards and municipalities. Some have been consistently good right through; some have been consistently moderate and some have been consistently bad.

155. In the case of these reviews particular points are taken as tests for efficiency or for the satisfactory management, and it depends upon the reviewer as to which test he applies?—They are elementary points, like conservancy, sanitation, conditions of the roads, spread of elementary education, and so on. . . .

156. I find from an analysis of the reviews of the reports that nearly 75 per cent. of these municipalities and local boards are doing satisfactory work. The general administration has been noted to be satisfactory though there are remarks made about further improvements that are required in certain directions. Will you kindly tell me whether there was any case of prosecution for corruption of the chairmen of municipalities?—I cannot remember any case of prosecution at the moment. There have been, of course, many occasions on which sanction has been sought for a prosecution.

157. And sanction was refused by the Government, there being not a *prima facie* case?—When there are other means of dealing with the case we do not wish to resort to prosecution.

158. Do you not think that the reason for the supersession of some taluk boards was that there have been recently political factions and political quarrels among the members of the boards?—That has happened in several cases, but the general case for supersession or dissolution is that the board became incapable of carrying out its duties.

159. Is it not due to the fact that the non-co-operators and swarajists are on one side while the constitutionalists are on the other?—Not necessarily at all. Very often you get sects or factions arising out of something which is quite different from that altogether.

160. The panchayats are placed outside the Local Boards Acts, and so it would take a very long time for panchayats to develop. At the rate at which we are going at present it will take twenty years to have 50,000 panchayats?—Yes, but the present rate could be speeded up.

161. Even then it would very much depend upon whether the panchayats would be given necessary powers. If they are given sufficient powers, then perhaps they would become more popular?—I think we have to make up our minds whether we are going to retain panchayats as an old traditional institution or whether we can convert them into a unit of local self-government. We cannot have it both ways.

162. *Mr. Siva Rao*: You realise that the resources of the local bodies are very scanty and that it is often alleged that they have got more functions than they can attend to with their scanty resources? The wonder is that they are doing well in spite of the scanty resources?—I do not think their resources are so very scanty.

163. Are you aware of the recommendations of the Financial Relations Committee with regard to the resources of the local bodies?—I have not studied it. But let us take the district boards, for instance. There is an obligatory land cess of one anna in the rupee; in addition to that a cess of three pies in the rupee for district board purposes and three pies in the rupee for taluk board purposes. If district boards and taluk boards found their resources so very inadequate, surely we should find them all levying the maximum rates of cess, but we do not find that that is the case.

164. Talking about district boards in particular, the land cess depends upon the land revenue?—Yes.

165. Take, for instance, the case of the district boards in the Ceded Districts. They realise very little land revenue and consequently very little land cess. Even if the cess is raised to its maximum level I do not think they will improve their resources?—I think there is a ratio between these things; if the resources are low the demands on the Body will also be less.

166. For instance, the Financial Relations Committee recommended that in the case of the urban areas a portion of the excise revenue might be given. Have the Government carried out that suggestion? —No.

167. Is the inefficiency of the local bodies due to any fault in the system or in the personnel of management?—My own opinion is that it is due to the personnel. As I said, we find that certain municipalities and certain local boards are consistent in their character, and one must choose one of two theories to account for that. One is that some portions of the populace of this Presidency are not so capable to carry on the work as others; the other is that in certain districts for one reason or another we are not getting the best men to come forward. There

seems no reason why the first should be correct, so we must fall back on the second.

168. You have said that separate executive officers are not appointed by the local boards and that the chairman of the municipality or the district board acts as the chief executive officer. Are the defects due to the fact that there is no separate executive officer ?—To some extent that must be so. We have always urged upon the municipalities to appoint an executive officer and a revenue officer for themselves, but most of these bodies have not taken our advice.

169. When this reform is carried out you expect the administration to be more satisfactory than it is at present ?—I do not think we shall ever get satisfactory administration until we can attract the best type of men for it.

170. *Mr. Siva Raj* : On page 382* the recommendations of the committee appointed by the Government are given. I take it that the Government have accepted their conclusions ?—For the most part, yes.

171. One of their conclusions is that the Muhammadan community has much the highest death-rate, and among the different sections of the Hindu community the death-rate progressively increases as one descends the social scale. The word " social " is rather ambiguous. Has it reference to the castes, or has it reference to the economic condition ?—I should take it to be as having reference to the economic condition, that is to say the surroundings in which the persons live.

172. But I suppose with your experience you can say that the economic condition of the class that occupies the lower scale is also more or less allied to its social scale, the scale in the caste system. The depressed classes occupy the lowest social scale in the caste system, and their economic condition is also the lowest ?—On the other hand, I think you will admit that there are caste Hindus living in conditions almost as bad in parts of Madras.

173. I mean the majority. You think the same can be applied, the same conclusion can be applied to village conditions, to village mortality in the rural area ?—I could not say really. I have not got the statistics with me, and without the figures I should hesitate to express an opinion. The figures can be got, I think.

174. With regard to local board administration, could you tell us whether, for instance, any attempts are being made by the local boards to improve the conditions of the *cheries* ? It is said that there are no good roads between the *cheries* where the depressed classes live and the ordinary towns ?—In some districts it is being done.

175. Do you think that the present representation of the depressed classes on the local boards gives them sufficient influence or power with regard to the affairs of the local boards ?—At present the representation of the depressed classes on local boards is almost entirely by nomination. I do not think there is any instance, in fact I am sure there is no instance, in which a member of the depressed classes is a president of a district board or of a municipality.

176. You have heard of instances where members of the depressed classes nominated to these local boards were not able to take part in the deliberations of the boards on account of their caste disability ? —I have not heard of any such being brought to notice. It has not happened recently.

177. Have you known of any instances where the members of the depressed classes have been able to become presidents or vice-presidents of these various local boards ?—No member of the depressed class is president or chairman at the moment. I do not think there have been cases in the past.

178. In union boards ?—There might be in union boards. I have not got the information.

179. One question with regard to these figures which have been troubling us here. On page 358* it is said that the percentage of voters to total population is 4·8 and 15·1 to literate population. Can I take it that this 4·8 are all literate people ?

The Chairman : No. On page 361* you will see a description of how the illiterate voters vote. I think we would save time if Mr. Hartshorn stated now what has been ascertained from the census figures, because you are quite right, Mr. Siva Raj, in calling attention to these figures.

Mr. Hartshorn : * * * First of all as to the total population. The total population of the city is 526,911, and the literates are 168,690 and the voters are 25,491. The percentage of voters to the population is 4·9 and the percentage of voters to the literate population is 15·1. That is to say, there are seven times as many literates taking the population as a whole as there are votes. There are also figures for persons over twenty years of age, and the population over that age is 315,252, and the literates are 120,740. Now, the percentage of voters to the adults is 8·1 and to the adult literates it is 20·9. That means to say practically that there are five literate adults for every vote. I have also got here the figures for males and females. The male population over twenty years is 168,991. Male literates over twenty are 94,347. The male voters are 20,832. That gives an electorate for the males over twenty of 12·3 per cent. and for the literates over twenty it is 22 per cent. Females of over twenty years are 146, 261 and the literates are 26,393 and the voters are 4,659. The percentage of voters among the females to the adult female population is 3·2 and the percentage of female voters to the female literates over twenty is 17·7. So that you have in the literate adults four and a half times as many as there are male voters and six times as many as there are women voters in the literate women adults.

180. *Khan Bahadur Khalif-ul-Lah Sahib* : May I know what is the system of electorates in these local self-governing bodies ? Is it the joint electorate system or the separate electorate system ?—The joint electorate system obtains except in municipalities where elections are by wards. Municipalities are divided into wards.

181. Even in these wards it is joint electorate system ?—Yes.

182. Is the local government here in the habit of nominating Muslims to these municipalities and other bodies ?—Yes, a number of Mussalmans have been nominated.

183. To make up for the deficiency in the due proportion of the communities concerned ?—That is the object of nomination, and in point of fact Mussalmans have, I think, as far as presidents and chairmen go, a fair representation in proportion to the population in the Presidency now.

184. Under the joint electorate system the Mussalmans do not get proper representation by actual election ?—If you mean by proper representation the percentage in which seats are allotted in the legislative council, they do not. That is about one to five, I think.

185. Then as regards the elections to the district board presidentships, can you tell us if there is any case in which a Muhammadan succeeded so far in being elected to a district board as president ? Is there any case in the experience of this Presidency ? —I cannot think of one at the moment. There is at present a nominated president.

186. *The Chairman* : And in municipalities ?—In municipalities there are seven Muhammadan municipal chairmen.

187. *Sir Hari Singh Gour* : Elected ?—Elected.

188. *The Chairman* : According to the statement I have, there are eighty-one elected presidents, of which seven are Mussalmans, and in these seven cases they have been elected by the councils. You say that is not the position in district boards ?

Khan Bahadur Khalif-ul-Lah Sahib : That is not the case in district boards.

Now, may I ask Mr. Brown whether he can explain

* Vol. VI.

the malpractices mentioned on page 361* ? It upsets the principle of secret balloting. This system of illiterate voters' votes being recorded cuts at the root of the principle of secret voting. It is largely due to the polling officers. The voter being illiterate, probably the friend that goes with him is also illiterate, or the friend does not go at all, and it is left to the sweet will and pleasure of the polling officer to give the vote to whomsoever he likes. The voter cannot see whether the vote has been given to the man he wanted to give to.

189. *The Chairman* : Do you think yourself that that particular thing in practice happens ?

Khan Bahadur Khalif-ul-Lah Sahib : I do not mean to suggest that it occurs commonly, but it does happen.

The Chairman: I know it is a very serious objection to an electoral system. If you cannot make certain that your polling officer is going to discharge this simple duty honestly, then of course you are cutting quite at the root of all ideas of representative government.

Khan Bahadur Khalif-ul-Lah Sahib : They are only rare cases in which this thing happens.

190. *The Chairman* : What is the other thing ?

Khan Bahadur Khalif-ul-Lah Sahib : The other thing is this. It leads to corrupt practice. A candidate asks an illiterate voter to vote for him, and it makes it easy for him to know whether the man is actually voting for him. Therefore there is no secret about it.

The Chairman : I personally do not in the least understand that. It arises more frequently with the blind in England. A blind man does not see the place. Therefore somebody must do it for him. I have never heard when a blind man voted anybody knew how he got the paper marked except the presiding officer. I am pretty certain that the presiding officer will never tell anybody.

Mr. Siva Rao : Even in England in the case of an illiterate voter he has to give out the name in the presence of the polling gentlemen, either the candidate or his polling agent.

The Chairman : He has to do nothing of the kind, if I may correct you. The idea that an illiterate voter has to give out the name in the presence of others is complete nonsense. Nothing of the sort happens. The only thing that happens in England is in regard to the blind voter, who necessarily has to tell the presiding officer, who is an official entrusted to do it honestly.

The Witness : Might I say in regard to the election question that at present, as you know, the desire is to have election work handed over to an official agency. We are always being pressed to take away the elections from the non-official agencies who are doing it at present and have it done by an official agency. That is one of the representations which are constantly being made to us.

191. *The Chairman* : Is that practicable ?—I think it would be practicable. In some cases a good deal of the election work is done by an official agency at present. For example, in the case of taluk boards now, the divisional officer prepares the electoral roll and often officials are appointed as polling officers.

Sir A. P. Patro : It is the officials in the elections to the legislative council that are polling officers and presiding officers, and I do not think there is any general complaint.

The Chairman : I am not assuming it at all. The real difficulty arises in this way. Our experience in England is that such a very minute portion of the electorate has got special arrangements made, whereas even in Madras, where literacy has advanced very far, you have to make provision for a very large number of people.

192. *Mr. Thomas* : May I take it that what you said in reference to the Mussalman community applies *mutatis mutandis* to the Indian Christian community ? —In regard to representation, you mean ?

193. Yes, on municipalities and taluk boards ? —In point of fact, if we take it merely from the point of view of district board presidents and municipal chairmen, the Indian Christian community is better represented in proportion. I think the proportion of Indian Christians is 3 per cent.

194. Population ?—Yes, and you have three municipal chairmen.

195. As regards seats in the district boards ?—I cannot say as regards the members. As regards nominations, of course we very frequently nominate Indian Christians to local bodies.

196. *Diwan Bahadur Reddiyar* : There is an elected Indian Christian district board president ?—Yes.

197. *Mr. Thomas* : You said that inspectors of municipalities visit municipal areas and give advice. Is that advice confined to financial matters or administrative matters ?—Administrative matters, matters of office routine and matters of all kinds. The only thing with which he has no connection is works. I do not think he inspects works because the inspection of these is arranged for by more technical officers.

198. Including roads ?—Yes ; first-class roads are inspected by the Superintending Engineer and the second-class roads by the Collector.

199. At present women have not got the right to be elected as members in mofussil municipalities ?— At present they get elected in rural areas and not in municipalities. It is an anomalous position, but I presume any amendment of the Act will probably do away with that discrepancy.

200. With reference to village panchayats, they are now under the control of the Revenue department ? —Some of them have been handed over to the Collectors for the Revenue department to deal with, but I do not think that is intended as a permanent arrangement.

201. Till recently they were under the control of the Registrar-General of Panchayats ?—There is still the Registrar-General of Panchayats.

202. The transferring of certain areas to the control of the Revenue department, was it intended to increase the number of panchayats ?—In this way it was intended, I think, that those panchayats which were functioning well would be handed over to the Revenue department to look after, leaving the activities of the Registrar and his honorary organisers entirely to be devoted to constituting fresh panchayats, and in that sense it would increase the panchayats.

203. Have there been complaints recently about the working of these panchayats ?—There were complaints about some panchayats. But there again it is the old story. If the chairman of a village panchayat is a good man, it is all right, but if the chairman is not a good man, nothing could be done.

204. Will their transfer to the Revenue department lessen these difficulties ?—I do not think it is intended to have that effect. It could not.

205. With reference to engineers in district boards you said that their posts have been provincialised ? —Yes.

206. There are assistant engineers in the district boards, are there not ?—They are not provincialised.

207. Will not their provincialisation tend to get the right type of men in that service ?—It might do so.

208. *Diwan Bahadur Reddiyar* : You were asked about the absence of executive officers in municipalities. You know that under the old Municipalities Act of 1884 there were executive officers in each municipality called secretaries ?—Yes, and under the new Act any municipality can appoint one.

209. Under the old Act it was obligatory on the municipality to have an executive officer, and now it is more a matter of discretion vested in the municipality ?—Yes, and we frequently urge them to do so, but they do not take our advice.

210. Did the system under the old Act work satisfactorily, or did it lead to difficulties in administration and dissensions between the secretaries and members ?—I do not think that you can really compare the state of affairs under the old Act and the

* Vol. VI.

state of affairs now existing at all. I take it that your argument is going to be that if these secretaries existed under the old Act and the administration was better, that would be an argument for bringing them back.

Diwan Bahadur Reddiyar: No; that provision in the old Act was taken away because it was found difficult to work that.

211. *The Chairman*: Would that be so? But I rather suppose that if you have an elected chairman and you remove the official element, it would be entirely to leave the self-governing local body to decide this point for itself?

Diwan Bahadur Reddiyar: Yes, under the old Act it was compulsory and the appointment itself was in the hands of the Government; he was removable by the Government.

The Witness: Under the old Act there was an officer under the chairman; someone had to assist him because he had many other duties to perform.

Lord Burnham: And now the chairman is his own executive officer.

212. *Diwan Bahadur Reddiyar*: The grants which Government makes for trunk roads and second-class roads are made only after you get the report of the Superintending Engineer?—It is post payment system, but it can be made in instalments; there is no objection to that. If a thing can be divided up into various stages, the instalments can be paid after the completion of each stage.

213. But ordinarily you have got the post payment system?—Yes.

214. Unless the report of the Superintending Engineer is satisfactory, the Government could withhold the payment?—They may withhold it, but they do not always do so.

215. You were asked about the Financial Relations Committee. You know that several recommendations with regard to the purposes for and the extent to which the Government may help these local bodies were made, and those recommendations have yet been only partially carried out by the Government. Do you think that financially the local bodies would be much better if all the recommendations of the committee were adopted by Government?—I told Mr. Siva Rao that I had not studied the recommendations of that committee, and I have not got them before me now.

216. You said that one matter in regard to which you would like the Government to be armed with greater powers was with regard to the removal of the chairman whose work was not found quite satisfactory?—Yes.

217. If the local bodies, say the municipality or the district board, were given power to remove their chairman by a vote of no-confidence, do you still think it necessary that Government should have the power?—Yes, I still think it necessary because you would only give that power to a very large majority, would you not, in the council, and it might be possible for a very bad chairman to keep that no-confidence vote away. At present we get votes of no-confidence being passed and the chairman does not take the slightest notice of them. Only one chairman has so far taken notice of a vote of no-confidence, and then he withdrew and came back afterwards.

218. Just at present there is a Bill before the local Council in which there is a provision made for a municipal chairman going out of office if there is any no-confidence motion passed against him?

Sir A. P. Patro: That is still under consideration.

219. *Diwan Bahadur Reddiyar*: You spoke of certain municipalities being consistently bad in their administration?—Yes.

220. If that were so, do you not think that such a state of things might have been due to local conditions—poverty and so on?—It might be due to local conditions much more in the sense that there might be very violent factions in the area which might reduce the election contests to such a disgusting business that in such places the best class of man does not come forward.

221. That is to say, it is due to the factious nature of those areas?—I should say that it is partly due to that and partly because the factious disputes have reduced the election business in those areas to such a pass that men of repute and position hesitate to subject themselves to it. And that will be one argument, I think, in favour of handing over the election work to a purely disinterested official body.

222. With regard to the Madras Corporation rule 12 of the election rules quoted at page 361* says that in the case of illiterate voters their marks are affixed in the ballot paper on their behalf and in their presence by a friend or a relative who may accompany them to the polling booth for that purpose. But in municipalities and local boards the rule is that the polling officer has to make such marks and not a friend or a relative. Is that not so?—Yes.

223. *Sir Arthur Froom*: In reply to a question put by Major Attlee you said that in cases of grants made by the Government to the district board, you send some officer to see that that money has been well spent?—Yes.

224. Does that officer go to the spot for the purpose of inspection?—If it is a question of road or water-supply scheme, he would go to the place and inspect the work and report to the Government.

225. How many district boards are there in all?—25.

226. Beyond these inspections in connection with grants in aid, the district board is not otherwise controlled by the Government?—Not directly, but we exercise control in a great many ways.

227. In each district there are municipalities, are there not?—Yes, in some districts more than in others.

228. Large towns have municipalities and the smaller towns have union boards?—Yes.

229. Now the municipalities, are they in any way working with or under the control of the district boards?—No.

230. And the union boards?—The union board is in some matters subject to the district board?—Yes.

231. They are under some control by the district board?—Yes.

232. I want to see how all these work together. Is each district sub-divided into divisions?—Yes.

233. And that is administered by the district board?—No. The whole district is under the administration of the district board for certain purposes. Then you have sub-divisions of the district each under the administration of a taluk board for other purposes.

234. Are the taluk boards under the control of the district boards?—To a certain extent they are. At present the district board nominates members to the taluk boards.

235. In the district board is there not an executive engineer in charge of works of construction and so on?—Yes.

236. So, there is a good deal of co-ordination of work in this Presidency which is an improvement on other Presidencies?—Yes, certain specific duties are handed over to taluk boards and certain other duties are kept in the hands of the district board. Generally the main hospitals and communications are in the hands of the district boards except those taken over by Government and elementary education and minor roads are in the hands of the taluk boards.

237. *Lord Burnham*: What are the functions of the union boards?—The union boards are only responsible for the union area, that is to say, they are responsible for the general upkeep of the little town, lighting, sanitation and the up-keep of certain minor streets and roads.

238. *Sir Arthur Froom*: Do you have any conference at all at any time between the chairmen of municipalities and district and local boards?—There have been conferences. We have also what is called an advisory committee in local and municipal affairs, which body as a result of its deliberations advises Government of its opinion.

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* Vol. VI.

239. Coming to the district board, I see that they manage certain schools and the taluk boards maintain certain elementary schools ?—Yes.

240. Is there any system of inspection ?—Yes.

241. Does the inspection come through you ?—The inspection is done by the officers of the Education department.

242. And it does not pass through you ?—Not directly.

243. What about the inspection of the roads ?—The inspection reports are made by the Public Works department in the case of trunk roads and in the case of second class roads the reports are made by Collectors of districts.

244. And as a result of all this, have you any suggestions to offer for improving the present system of co-ordination between these various bodies or do you think that the system is entirely satisfactory ? First of all there is at the top the district board, and then there are the taluk boards ; still further down you have municipalities and union boards and then eventually you come down to village panchayats, and I am very glad to learn that there is a good deal of co-ordination in this Presidency with regard to all these bodies. Do you think that the co-ordination is sufficient, or that there is room for improvement ? —The general tendency is that the taluk board in its present state is still too big to be as useful as it might be. It might break up and might become mere unions of panchayats which might be kept up as intermediary between the lowest body and the district board. At present the taluk board's functions are too much like those of the district board to be as usefully discharged as they might be.

245. Is there any system of inspection of these various bodies by the local Government ? If something goes wrong, does the provincial Government give any advice to these bodies, of course in an entirely friendly way ?—Yes, our Inspector of Local Bodies is always touring round the Presidency, and he can go and give advice to any local body which seeks his assistance.

246. Is there any demand made for such advice ?—Some local bodies are not very keen on being taught. I may perhaps also add that we have a system of audit. We audit all their accounts regularly once a year, and also we have a system by which all the medical institutions under the local bodies are inspected by our district health officer in every district, and there is also the Surgeon-General touring round the Presidency as a whole inspecting the various medical institutions. Similarly in educational matters we have an officer called the District Education Officer who inspects all the secondary schools and colleges ; also there are the subordinate officers of the Education department, the deputy inspectors, who inspect the elementary schools. So practically in every branch of the administration we have regular inspection and are able to keep ourselves acquainted with how things are going on.

247. *Lord Burnham* : Do you think that audit is necessary ?—Yes.

248. Are you satisfied with the present system of audit ?—I do not quite like the system, but it is effective.

249. *Sir Arthur Froom* : In your arrangements here do you think that the machinery of the local self-government in this Presidency is such as to provide for improvement in the future ?—Yes, I think it might definitely be said that the prospects are encouraging provided always that necessary safeguards are retained at the centre. I would give as much latitude to local bodies as possible in managing all their affairs, but I would not recommend that the existing statutory control by which we can, if necessary, interfere, should be relaxed. I mean the control that we exercise by which we can cancel a resolution of a body, or dissolve the body, or supersede the body, or in fact take some kind of final and effective action. Cases have arisen which were very serious and one shudders to think what would have happened if we had not had the necessary control.

250. *Mr. Kikabhai Premchand* : At page 387,* you find in sub-paragraph (2) : " The Government have " refused to sanction the Corporation's proposal to " lodge a portion of the municipal fund in the " Indian Bank." Does this not mean intervention by the Government in municipal affairs ?—Yes, but I cannot give you the reason why that was adopted, because that is a financial matter with which I have nothing to do.

251. On page 387* you say that servants or employees of councillors are disqualified for election or appointment as councillors. But if the servant or employee of a councillor is a good citizen why should he be disqualified and prevented from exercising his right as a citizen ?—The argument would be that they would not give disinterested votes.

252. *Sir Hari Singh Gour* : What percentage of collection would you regard as a fairly good collection in order that it might not get any comment from the local Government ?—Do you refer to the collections by the Revenue department ?

253. I am speaking of the municipal dues. I wish to know what you regard as a satisfactory percentage of collection ?—In the Revenue department nothing under 95 per cent. is a good collection. I do not set so high a criterion for the collections made by a local body. I would say possibly anything from 85 to 90 per cent. could be called satisfactory in the case of a local body.

254. I find on page 368* that in the case of the Corporation of Madras the percentage of collection is still below 90, whereas it was 94 in the year 1919–20 and the preceding years. It appears that though the burden has been considerably lightened—for instance the house tax has been reduced from 18½ per cent. to 13½ per cent.—still the percentage of collections has gone down from 94 to below 90 ?—The percentage of collection in the Corporation had been 84 at one time. It then rose to 90. It may now be said to be on the upward grade.

255. How much money have they lost by the reduction of the house tax from 18½ per cent. to 13½ per cent. ?—I do not remember it now.

256. I see it was about 30 lakhs when it was 18½ per cent. Now with the reduction in the rate the Corporation should have forgone about 2 lakhs ?—At least that.

257. And yet I find that so far as the Corporation of Madras is concerned, the paragraphs in this book contain one long series of the shortcomings of the Corporation. The infantile death rate is a record one, 500 out of 1,000, whereas in other places it is only 33⅓ per cent. We also find that the water supply is not very satisfactory. Tuberculosis is on the increase. Taking all these circumstances into consideration, do you think that the administration of the Madras Corporation is satisfactory ?—May I supplement the remarks in this volume by what I have here? I have the administration reports on the Corporation of Madras from the year 1923 up to date, and while certain points have been criticised in these, several points have received praise and amongst these, curiously enough, as I pointed out before, is the matter of child welfare. I find excellent work was done in this connection in 1923–24 and we commented on the rapid decline of infantile mortality and on the progress in the education of girls. Medical inspection of the pupils was introduced in their schools. The roads of the place and lighting especially were praised in the review. Elementary education maintained a high level of efficiency and their schools are said to serve as models to private institutions. We also congratulated them on the extension of compulsory education in all divisions, and in 1927–28—it is particularly pertinent to the point just raised—the infantile mortality was the lowest on record during the last 30 years. At the same time we said that their collection work was poor—not bad. Also we commented once or twice on their methods of delay and procrastination in the disposal of business.

* Vol. VI.

258. On page 383* after categorising a very large number of points you wind up in these words : " The " ' terrible ' conditions disclosed are a severe indict- " ment of the Corporation ; and the committee's " recommendations cover practically the whole field " of municipal administration as will be seen from " the following summary." Then you give the summary. That is the position of the Madras Corporation. How long has it been in that condition ?—It is impossible to say.

259. Chronic ?—But if the extracts I have just read from the administration reports have any meaning we must assume that previously it was worse. The infantile mortality shows a marked decline.

260. *The Chairman* : What does infantile mortality mean ? Does it mean the death of a child before it is 12 months old ?—I think it is so.

261. *Sir Hari Singh Gour* : Turning to the mofussil, have you got such a thing as local government service ? We have heard complaints in other parts of India that the employees of the district boards and municipalities are not very efficient because there is no such thing as a local government service. Have you got anything like that in Madras ?—No, apart from the system of engineers and health officers and so on which have been explained. But that is not what you mean.

262. Do you think that there is any complaint with regard to the staff in your Presidency, that they are not up to the mark because they are not sufficiently well paid and have little chance of promotion and things of that kind ?—Such representations have been made.

263. Have your Government considered the advisibility of instituting such a service ?—I am not aware that they have seriously considered it.

264. Do you have any annual conferences of the local bodies ?—We have.

265. And in these conferences do you discuss this question about the subordinate services ?—I cannot say.

266. You said that half of the local bodies only are good ?—I said half of the municipalities. The proportion of district boards which are satisfactory is very much higher.

267. I understood you to say that you have a classification that some are good, some are moderate and some bad. What percentage of them are bad ?—Definitely I can say from the list I have prepared that in the last five years 6, 7, 13, 11 and 9 municipalities out of the 25 head-quarter municipalities were said to be unsatisfactory.

268. They would go under the last head ?—Yes. The satisfactory are 15, 13, 9, 8 and 11.

269. In the case of the municipalities and the local boards is it not a fact that you have no executive officer ?—The chairman or the president is the executive officer. .

270. *Sir Zulfiqar Ali Khan*: Appendix II* gives a list of functions which may be performed by a village panchayat. Has the panchayat any discretion to add to this list ?—It is all optional and if the village possesses by tradition any special form of activity, it can follow it.

271. They could add to this list ?—Yes, they could.

272. For example, supposing these panchayats were to decide that in the matter of petty offences they should have the jurisdiction to settle things among themselves ?—At present of course we have a system of panchayat courts, which is a different thing from these local fund panchayats, and these panchayat courts are empowered to try petty offences.

273. Is that working satisfactorily ?—Moderately so.

274. With regard to the infantile mortality, are there any child welfare societies here ?—Yes, there are many.

275. And they are doing good work ?—Yes. Many districts boards have taken up this child welfare work and several of them are turning out very good work.

276. In spite of these activities there is no improvement in the infantile mortality ?—As far as the Corporation goes, as I said, we must assume that there is improvement.

277. *Sir Hari Singh Gour* : They kill half their children ?—We must assume that they killed 75 per cent. previously.

278. *Sir Zulfiqar Ali Khan* : On page 415,* paragraph 5, you say, " complaints have been received " from several panchayats about want of co-operation " on the part of village headmen." If these village headmen put obstacles in the way of the working of the panchayats, what penalty do they incur ?—If the panchayat were to complain to the superior officer of the district, that officer will make an enquiry and, if he finds that the village headman actually misconducts himself, he might take some penal action against him ; otherwise there would be no means of punishing him.

279. Cannot these panchayats suggest something ? Do they elect the chairman of these panchayats ?—Yes. The headman is, generally speaking, very frequently a member of the panchayat, if not its head.

280. Can they elect any chairman in his place ?—They can.

281. I see that some of the panchayats have introduced the system of free and compulsory education. Do you think that the system is working well ? —I have no information on the subject. It is only recently that the system has been introduced and the Government are giving teaching grants to the panchayats who have started the schools only from 1926–27. It is therefore too early to say whether the system is working well or ill.

282. *Sardar Shivdev Singh Uberoi* : I would like to know whether there has been any demand on the part of the women of this province to remove the bar which is against them for being elected to the local bodies ? —Yes, there have been meetings and resolutions to that effect, I think, in some places.

283. Has the question been considered by the Government with regard to a change in the constitution ?—I think that if any amending Bill comes forward it is almost certain that the discrepancy would be removed. At present ladies can be elected to rural bodies but not to urban bodies and this discrepancy can be taken notice of by an amending Bill.

284. *Dr. Suhrawardy* : On page 361* of your book, under the heading " Treating," you say : " It is a " common practice for the candidates to erect near " the polling stations a *pandal* where aerated waters " and refreshments are supplied to the workers." Then in the same page under the heading " Canvassing " you say : " The voters are generally brought " to polling stations in taxis and other conveyances " by the candidate's agents." Then further down you say : " Corrupt practices are rare and difficult " to prove." I want to know how you would reconcile these two statements about the employment of taxis and the corrupt practice unless you exclude from your definition of corrupt practices the employment of taxis ?—That, I think, is the attitude of the author of the report.

285. Under your scheme of compulsory education Muslim girls are excluded. May I know the reason for this exclusion ?—I am not aware of it.

286. On page 382* it is stated " The Muhammadan " community has much the highest death-rate and " among the different sections of the Hindu com- " munity the death-rate progressively increases as " one descends the social scale." Is the highest death-rate among the Muhammadans due to the fact that they are at the bottom of the social scale in this Presidency ? Will it be a fair inference to draw ?—I do not think so.

287. *Rao Bahadur Rajah* : At present there are

* Vol. VI.

about 2,500 village panchayats functioning in this Presidency ?—About 2,700.

288. During the year 1926–27, 971 village panchayats have been constituted and you have 182 members of the depressed classes on 149 panchayats. Will I be right in saying that this is an indication of the fact that the members of the depressed classes are taking an active interest in these elections and exercising the franchise correctly ?

The Chairman : I do not think the panchayats are elected by the use of the ballot ; they are elected by show of hands.

Rao Bahadur Rajah : I wanted to know whether the figures that I have quoted do not show that the members of the depressed classes exercise their right properly.

289. *The Chairman* : It does show that a number of gentlemen of the Adi-Dravida caste have been chosen to the panchayats. I suppose you wish to show, Rao Bahadur Rajah, that that means probably a good many of the members of the Adi-Dravida community have taken the trouble to go and join in the show of hands.

Rao Bahadur Rajah : Yes, sir, that is my point.

Afternoon.

Mr. S. H. SLATER, C.I.E., C.M.G., I.C.S., Labour Commissioner, Madras.

The Chairman : I think, Mr. Slater, your Labour Department is more particularly dealt with on pages 449–452.*

1. *Mr. Hartshorn* : I think you are responsible for dealing with all labour legislation ?—Yes.

2. The Factory Act and so on ?—Yes.

3. And you also deal with criminal tribes settlements ?—Yes.

4. And the amelioration of the economic and social condition of the depressed classes ?—Yes.

5. I might ask a few questions of an industrial character first. Can you tell us how many industrial workers there are in the Presidency of Madras ?—The total population of industrial workers according to the 1921 census, including workers in unorganised and private establishments, is about 2½ millions, that is actual workers, out of a population of about five millions dependent on industrial labour.

6. The five millions include workers ?—Yes.

7. Then you mean to say that there is one dependent to one worker ?—It is practically so. I think the majority of these unorganised industries are very mean in character, very much like rural agricultural labour in which children are very frequently workers. A man and wife and one child is quite a common proportion to a family of agricultural workers, and that is also the case with these unorganised industrial workers.

8. In these 2½ million workers you include women and children ?—Yes, that is actual workers, including women and children.

9. Can you tell us how many of these industrial workers are to be found in the city of Madras ?—Perhaps I may be allowed to refer to the statistical tables. I have not got that figure here. I have not taken out the figures. The factory population is about 40,000, that is to say the organised industrial population. And the unorganised industrial population, which will include persons working in shops and in small unregistered establishments of the nature of factories, would be an additional number. I think the total population dependent on industrial labour in Madras, including workers and dependents, would be in the neighbourhood of 100,000 or rather more.

10. Workers and dependents ?—Yes. That is in the city of Madras.

11. You say there are 40,000 employed in factories. How many in other than factories ?—The 40,000 factory employees include practically no children, or very few. They will all be adults, so that the population dependent on them will be more than 40,000. The population dependent on them would be 100,000.

12. So in the city itself 100,000 may be said to be either workers in industry or dependent on workers in industries ?—I think I must put it higher than that. I think 100,000 would be those dependent on organised labour. I have not got at present, but I think I can find out, the approximate numbers in unorganised labour. Probably, I should say, roughly speaking, 140,000 or something like that.

13. Can you tell me how many registered trade unions there are in the Presidency ?—Nine, I think, is the exact number.

14. How many of these are in the city ?—They are all in the city except the Ranipet Labour Union, which is a small union of Messrs. Parry & Co.'s distillery in Ranipet, about 80 miles outside Madras, and the South Indian Railway Union with its headquarters at Trichinopoly, and a small union of cordite factory workers near Ootacamund, at Aruvankadu.

15. Can you give us their membership ?—I cannot tell precisely because the membership figures are not recorded until the end of the year in which they are registered. Some have been registered. Some have been registered this year. Taking the membership figures of those registered last year I think there are approximately 7,000 to 8,000 on the books. They vary. There was a considerable drop in the membership of these unions in the course of the year.

16. Officially you would have no knowledge of trade unions that are unregistered ?—No.

17. Do you know from your own personal experience, are there many of them ?—Not a very large number. I should think there are about twenty organisations which call themselves unions of various sorts. For instance, there is an Oil Workers' Union and certain so-called labour unions in the mofussil which have not been registered yet. But I cannot say what their actual organisation is.

18. Can you give us a few general figures indicating the kind of wages paid to industrial workers in the Presidency or in the city ?—Roughly, I could give some approximate idea, but it is very difficult not to be misleading, because there is no standard, no standardisation of wages at all, and no standardisation of work. So it is extremely difficult to say whether two workmen of the same designation in two factories are really doing the same kind of work and whether they are receiving different pay for it. But taking the skilled artisans as one class, and coolies or unskilled as another—you cannot be much more precise than that—I should say in Madras city, in the factories in the Madras city, approximately the average earnings of skilled artisans might be taken to be about Rs. 25—between Rs. 22-8-0 and Rs. 25 per adult male.

19. That is Rs. 22½ to Rs. 25 ?—It is difficult to be precise. I think approximately it will be Rs. 22½ to Rs. 25. But there are some others who draw Rs. 70 to Rs. 80 ; that will be regarded as very high for an artisan. On the other hand, I do not think that the average weaver earns as much as Rs. 25 a month. He earns between Rs. 20 and Rs. 22-8-0, and that constitutes a large body.

20. Generally speaking, you say that Rs. 22½ to Rs. 25 is earned on an average ?—Yes.

21. What does an unskilled labourer get ?—The figure that I gave is for skilled labour in Madras.

* Vol. VI.

should think an unskilled labourer in the city earns 10 to 12 annas a day.

22. How do the rates compare with rates for similar labour in the districts outside the Presidency town ?—The unskilled labour rate is lower there. But I should think that the skilled labour rate is not much lower. The reason probably is that outside Madras City there is very little skilled work of a high standard at all, and you get there a fairly steady rate of, say, between Rs. 20 and Rs. 25. In the districts there are very few factories which have skilled labour.

23. And what would you pay there for unskilled labour ?—That is almost always according to the rural wages in the district, and I think it varies for men from 4 to 8 annas a day. That is a wide margin perhaps. Perhaps 5 to 8 annas would be more correct. It is not often that a man gets as little as 4 annas.

Rao Bahadur Rajah : Is not the wage census done by his departments.

24. *Mr. Hartshorn* : The Commissioner is responsible for the wage census and I presume that such information as is available would be collected and furnished in the report ?—There is a quinquennial census for which my department is responsible. The figures relate only to rural and urban wages generally and do not go into the wages of skilled labour and artisans. I have not personally had to deal with the quinquennial wages returns. The returns were produced last in February, 1927, before I took over charge of the department.

25. You said that almost all these skilled labourers get approximately the same rate of wages. But when the same individual goes from one shop to another, he finds entirely different rates of wages paid there ?—Yes, in regard to the rates given by various industries, I have figures for about fifteen to twenty of the principal factories in Madras. They are slightly different in almost every case. They are generally described as averages. That may partly explain the difference ; there are little differences of an anna or two a day. But the classification of the work for which the actual wage is given is very rarely precisely the same.

26. Are there any sort of wage boards in existence in the Presidency ?—None.

27. Have the Government at any time considered or promised to introduce legislation dealing with these wages ?—The Government of India, I believe, have undertaken in connection with one of the resolutions of the International Labour Conference to investigate the question of a machinery for fixing minimum wages, but so far as I know that reference has not come to the local Government.

28. Labour legislation is a Central subject, is it not ?—Yes.

29. Is much of the time of the Assembly taken in discussing this question of wages or the minimum wages of labourers ?—I do not think, speaking from recollection, that the subject of minimum wages has yet been discussed in the Assembly. I have not got any official knowledge of it.

30. I will next get on to the depressed classes. I see you are engaged in ameliorating the social and economic condition of the depressed classes. On page 451* it is stated : " Since the inception of " the department, 20,000 house sites have been " provided for the depressed classes from lands " at the disposal of the Government and 24,000 have " been acquired." That means that you have provided house sites for 44,000. Are all these house sites taken up and houses erected on them ?—All the older ones ; the figure may include certain acquisitions which have fairly recently been made and which have not been completed ; but speaking generally, I think that practically all have been occupied.

31. You say that 1,329 co-operative societies have been working among the depressed classes in 1927 ?—Yes.

32. Are all these co-operative societies being used at present ?—These co-operative societies may be divided mainly into two classes. The first of which (consisting of about 600 or 700) are of the nature of joint-liability concerns for repayment of advances made by Government for the purchase of house sites. The only activities of those societies are the paying up of initial deposits, and the subsequent payment of instalments towards the repayment of the advances which the Government has made, and they have actually no other activities at all. Their business is getting houses built on the sites and settling down. But they do not carry on any other co-operative activities.

33. Then I see you have 926 free schools set up for the depressed classes containing some 30,000 boys and 4,700 girls. Is there a demand for greater educational facilities among these classes ?—Yes, demands are constantly being received for the extension of the number of schools, and the number is being expanded every year ; all those demands relate to the extension of elementary schools.

34. Is it the function of Government to continue providing schools and the other social amenities for these people as distinct from other sections of the people ?—I think the Government's aim is to try and get the depressed classes educated in the general ordinary schools.

35. To what extent has the Government succeeded in their solicitude ? Is there a proportion of the depressed class population going to the ordinary schools ?—No, not very much. According to the recent report made by the Department of Education, the percentage of admissions of depressed class students to ordinary board schools was not as large last year as it was during preceding years, and it was suggested that this might be due to the policy of expanding separate schools unduly.

36. *Mr. Cadogan* : You say that these 926 schools were intended for boys of the depressed classes, but that caste pupils also were being sent to these schools. Were not these schools intended for the depressed classes ?—They were originally intended for the depressed classes. We have got only a very small number of caste pupils there. I think it is due to exceptional local circumstances in which some caste children of status not very different from that of the depressed classes happen to be on the spot and come in.

37. All I say is that they were originally intended for the depressed classes, and that now the caste pupils are also coming in ?—To a very very limited extent.

38. I see that all these schools are erected by your department ?—Yes, that is so.

39. But you have admitted some others who do not actually belong to the depressed classes ?—Yes.

40. *Lord Burnham* : That means there is no caste barrier in these schools ?—In these schools to which these caste pupils are admitted there appears to be no difficulty about the mixing of the castes. But those are very few cases indeed.

41. *Mr. Hartshorn* : You say that 200,000 acres have been assigned to the depressed classes. I would like to ask you in a general way to what extent do you think your department has really influenced or improved the sort of position of these people as outcasts ? Has it been material, or substantial, or has it merely touched the fringe of it ?—I think that in certain very small sections there has been a distinct improvement, but taking the population of the depressed classes as a whole, I should say that the progress has not been any better than that of the general rural population to which they are similar.

42. *Sir A. P. Patro* : The general rural population is agricultural labouring class, is it not so ?—Yes, which economically is very similar.

43. *Mr. Hartshorn* : I would just like to ask you a question with regard to the representation of these labour and depressed classes. I think at present in the legislative council Labour is represented by one nominated member and the depressed classes by ten members ?—Yes, that is so.

44. Can you make any suggestions as to how the representation of Labour and the depressed classes

* Vol. VI.

can be brought about by election rather than by nomination ?—Am I right in assuming that by " Labour " industrial labour is referred to ?

45. We have been dealing mostly with industrial labour which I understand is the kind of labour you chiefly deal with. I suppose all these depressed classes are agriculturists ?—A great majority of them.

46. In respect of the industrial or agricultural labour which you have been dealing with in your department, can you suggest anything by which we can secure to these workers representation in the council by election rather than by nomination ?—If I may I should like first to make a distinction between industrial labour for the moment and agricultural labour. And if we look at the position of industrial labour in connection with its representation, the organised industrial labour is extremely small in volume. The population of organised industrial labour is somewhat about 180,000 altogether in the Presidency. So that if we are looking at the position of organised industrial labour, I should say that the number of that community is so small as to make it quite impossible. . . .

47. What you mean to say is that there is no sort of organisation among them and no machinery exists that could be used for the purpose of election by a constituency ; and so far as industrial labour is concerned your view is that they are few in number and are not quite organised and that you cannot make a constituency of them and let them elect their own representatives. Is that your view ?—Not exactly. My view is that as far as any organised industrial labour is concerned, their body is so small that the question of their separate representation could hardly arise. It is a very small body of 150,000 workers, and I am inclined to think that it is too small a unit to be considered in the matter of giving separate representation. Then as regards the unorganised workers, to a very large extent they are similar to the great mass of agricultural workers (which includes, of course, the great majority of the depressed classes) in their social and economic conditions, so that for the purpose of political representation I would prefer to consider the depressed classes as they are generally understood, *plus* agricultural labour, *plus* unorganised industrial labour as forming one group, or one body.

48. You would take the whole thing as one population ?—Just leaving out the organised industrial labour because they are a different class.

49. Have you any idea as to how these people can get representation by election ?—At present the population of that community which I have just referred to as the agricultural population, and the depressed classes who are really included in the agricultural labouring population, and the unorganised industrial population is about 13 millions, and I do not know how many of these at present exercise the vote under the present franchise. But I think undoubtedly that it must be a very small percentage. Taking them all together the possibilities I suppose are nomination which at present exists for one section of that community, namely the depressed classes. As for the remaining population of that community they are not at present represented except for what representation they get in the general electorate, and there is no special arrangement made in their case. The number of the depressed classes being the same as that of the rest I am not convinced in my own mind that it would be necessary to make any special means of representation for them. I certainly am not in favour of continuance of nomination or its extension to the remainder of this group that I have referred to. I think a possibility would be a slight reduction in the general rural franchise which would increase largely the number of voters belonging to that community, but I am rather inclined to precede that by a system of organising the labouring classes on a system somewhat analogous to the trade unions or labour unions generally, not necessarily by Statute, but by official recognition of trade unions formed on a model which might be prescribed.

50. You mean you want legislation for that purpose ?—I do not know if legislation would be necessary. If you follow the analogy of trade unions legislation would be necessary.

51. *Sir Hari Singh Gour* : The last question was, how do you provide for representation by election instead of nomination ?—Personally my feeling is that it is unnecessary to make a special provision for the political representation and that this large community of 13 millions or so might continue to exercise what they have in the present general electorate. If anything more than that is considered desirable, I would advocate a slight lowering of the general franchise.

52. *Mr. Hartshorn* : In what way do you think the qualification for franchise could be lowered that would give these people an effective voice, a voice such as would have an effect on their social life ?—I think that a large part of that population must be —I have not got precise figures now—cultivating, that is in possession of land. Many of them are in possession of land with rental value. I think if the rental value is reduced it will bring in a large part of that population which does possess land in addition to working on other people's land.

53. *Lord Burnham* : Am I right in saying that as an official you are suspended between the Central and the provincial Governments ?—I think only in respect of matters like the All-India legislation, administration of trade unions and Workmen's Compensation Act.

54. I was thinking that you were in respect of all Labour legislation carried out in consequence of international agreements ?—Those are in fact the two main enactments of Labour legislation which have been carried out as a result of the resolution of the Labour Conference. The latest amendment of the Factory Act, I think, was a consequence of the Washington Convention.

55. That is to say, where there has been ratification of Conventions internationally adopted, the whole responsibility is laid on the Central Government and so far as these Acts are locally administered, you are acting under the Central Government in a sense ?—Yes.

56. Do you find any difficulty in consequence of that cross division of functions, that is to say having got the Central and the local Governments to obey ?—I do slightly, but not to a very marked extent. As regards the administration of the Factory Act, it has been working for a considerable number of years. I think that probably practical experience has removed many of the difficulties and there are not very many difficulties now. I can imagine one or two cases in which it might be difficult to get one of the Governments to assent to a course, which has been approved by another ; but not many cases.

57. Will you tell me whether you think there is any practical disadvantage in this division of functions in respect of Labour between the Central and the provincial Governments, that is to say, the responsibility of legislation resting at Delhi and the administration being carried out provincially ?—I think not.

58. It works all right ?—I think it works on the whole all right. The Trade Unions Act is one which is very new and speaking from my experience up to date, I think it is working satisfactorily, but there is the possibility, seeing that the conditions under which that enactment operates are so different in different provinces, that there may be difficulties in future ; I see some indications, but not substantial at present.

59. It is obvious that there cannot be complete autonomy, whatever that word may mean, whilst there is that division. In most Federal States we all know that Labour legislation is within the competence of the States or provinces and not the Central Government ; but here of course that could not be, could it ?—Possibly it might be done by the various provincial Governments simply doing what the Indian States do, adopting a common form of enactment.

60. So far as they agree to the Conventions they have to do so individually, that is to say the provinces would have to act individually or else appoint the Government of India to be an agent for them ?—As regards future legislation, yes.

61. But you see that is not a matter of practical politics consistent with autonomy ?—Separate action would, I presume, be necessary to be consistent with complete autonomy ; but it might be difficult in this Presidency, as far as Labour legislation is concerned, because industrial labour to which it mostly applies is comparatively unimportant, compared with the other Presidencies.

62. Do you regard it more as a matter of theory than as a matter of practical politics ?—I am not sure that I understand your question.

63. There would be nothing gained by attempting to make the provinces here in the same way as the provinces of Canada or the States of Australia, individually responsible to International Conventions and their ratifications ?—I think that is so. It is a theoretical matter but not of very great practical importance.

64. I see that you have a good deal to do with emigration and you have got a Protector of Emigrants under you ?—Three Protectors of Emigrants.

65. I see. They are at Madras, Negapatam and Mandapam. That is a very important thing in this province ?—Yes.

66. In fact I suppose it is much more important relatively than any other question of the Labour department and it bulks largely in your duties ?—Yes. It affects a large population and is a very important factor in the economic life, but it does not add very largely to my daily duties.

67. Have you anything to advise in matters of policy in regard to the emigration of labour ? Are you consulted at all ?—There has been no revision of the Act or the rules since the Emigration Act, which is a Central Act, was passed and since I have been in the department.

68. Emigration is to what parts ?—Ceylon and Malaya.

69. And you are necessarily an expert in these matters ?—Yes, my department would have to be consulted.

70. Is it working well in regard to places where emigration is still allowed ?—Very well indeed, I think.

71. That is to say, principally Ceylon and Malaya ? —Yes.

72. There is no emigration at all to the West Indies ?—None whatever.

73. Nor to South Africa ?—No, none.

74. What about emigration to East Africa ?—There is no emigration to East Africa either.

75. When they go beyond the seas you still look after them ?—No. The arrangement for looking after the emigrants in Ceylon and Malaya is that there is a representative of the Government of India called the Agent and he is responsible for looking after the Indian emigrants in Ceylon and Malaya. I am not concerned with them.

76. The moment they go your duties in regard to emigration cease ?—Yes, until the next batch goes or the first batch returns. They generally come back in the course of a few months.

77. You have them all registered ?—They go through the books.

78. You have got some rules ?—I do not keep them in my office. I supervise. The Ceylon and Malaya Government have an Emigration Commissioner here in India and he is responsible for carrying out the regulations with regard to the manner in which the actual emigration is carried out. He keeps the books. They all go through his books.

79. You are in constant touch with those officers ? —Yes.

80. It is working very smoothly ?—Yes.

81. No complaints in regard to the present emigration of Indian labour so far as this province goes ?—Nothing important ; but one or two minor points occasionally.

82. What does it amount to in point of numbers ? —Last year it was about this. Speaking from memory, I think the number of emigrants to Ceylon was about 280,000 and to Malaya very much the same ; but last year it was less, and I think the number that is going this year is probably less again.

83. What sort of proportion of these come back ? —In the case of Ceylon I think they come back practically within the year ; then they go back again. In the case of Malaya it is not quite so frequent. I do not know whether the period of stay there has been accurately determined. But I may say they stay there for two or three years on the average.

84. So far as their treatment overseas goes, to use a common phrase, there are no complaints ?—Speaking broadly, that is so. There have been difficulties about the minimum wage, the fixing of the wage in Ceylon and Malaya. There were negotiations between the Government of India and the Government of those countries into which I do not enter at all.

85. Then you are not responsible for the conditions of employment in the places of destination ?—I am responsible for seeing to the method of recruitment and despatch, that the prescribed rules are followed.

86. Are you responsible for the state of transportation ?—Yes. The Protectors inspect and report.

87. That is a provincial matter ?—No ; it is an Imperial matter, but they report to me, and I send it to the Government of Madras and to the Government of India.

88. On the whole, the present compromise works well ?—Yes.

89. *Major Attlee* : I should just like to follow that. What we have been told in regard to Ceylon and Malaya, does that apply to emigration of your people to Burma ?—No. It is entirely unrestricted ; it is entirely voluntary.

90. You have nothing to do with the Burma Government at all ?—No ; that is entirely voluntary, and it is only seasonal, lasting about three or four months, and it is confined to certain sea-coast Telugu districts, just during the non-cultivation season.

91. You are not concerned in the least with regard to the conditions of these emigrants at all, how they get there and so on ?—No.

92. *Sir A. P. Patro* : Do I understand you to say that the organised industrial labour is so infinitesimally small that there need be no representation for them ?—Industrial labour in factories ; there need be no special representation for them.

93. I understood you to say that the social and economic condition of the depressed classes and the agricultural labourers is almost the same ?—Yes.

94. Could you give us some figures as to the population of agricultural labourers and the depressed classes ?—I have some figures ; taking the two classes, the census classes of farm servants and field labourers, the actual workers in these two classes in 1921 numbered about 4,600,000 and their dependants 3,600,000.

95. And the depressed classes ?—The total of the depressed classes is about 6½ millions.

96. Out of that you say that 4½ millions are the agricultural labourers and farm servants ?—6½ millions is the total population of the depressed classes and a little over 8 millions is the total population employed in agricultural labour.

97. Let us take the actual workers in both cases ? —The actual workers probably among the depressed classes are about 3½ millions. I have not got actual figures for them.

98. That is out of the total population of 6½ millions who are classified as depressed classes ; the depressed classes proper come to about 3½ millions ? —No ; that refers to workers.

99. *Rao Bahadur Rajah* : May I point out, sir, that according to the figures given on page 7 of E. Mad. 39 the total population of the depressed classes is 6,994,012 in the districts and 33,541 in the Agencies ?—This comes to more than 7 millions. The figure of 6½ millions refers to the untouchables

and does not include the aboriginal tribes, who number about 1¼ millions.

100. *Sir A. P. Patro* : Do you find that there is any difference socially and economically between the farm labourers and the depressed classes in the rural areas ?—Oh, yes, there is one important difference, viz. untouchability.

101. Out of the 6½ millions, what is the population of the untouchables proper ?—The untouchables are 6½ millions.

102. *Sir Sankaran Nair* : Do you include the hill tribes ?—No, not among the untouchables ; they are included among the depressed classes.

103. *Sir A. P. Patro* : In this Presidency is untouchability a permanent factor ?—It is a variable factor. As far as I have been able to judge it varies in intensity in different parts of the Presidency.

104. From your experience and knowledge as Labour Commissioner visiting every taluk and every district, would you say that in the northern districts there is any difference in regard to untouchability between the agricultural labourers and the depressed classes men ?—As compared with the Tamil-speaking districts ?

105. Yes.—My experience is that it is much less acute in the Circars and Ceded Districts.

106. They are together and work side by side ?—They work side by side, certainly.

107. They also take the same water and go on the same roads ?—There is no unapproachability at all. But they do not use the same drinking water.

108. *Lord Burnham* : Do they inter-marry ?

Sir A. P. Patro : Even the Brahmins and the non-Brahmins do not inter-marry.

109. *The Chairman* : In which parts of the Presidency is untouchability most intense ?—I should say Malabar is the worst ; then South Arcot and Trichinopoly.

110. *Sir A. P. Patro* : Do you think that separate schools and separate co-operative societies for the depressed classes will help the removal of untouchability ?—No.

111. In that you speak from your experience of the working of the schools and the co-operative societies for the last two years ?—Yes.

112. Could it be classified as to what castes or sub-castes are untouchables ?—Classifications have been made. They are given in the Madras Electoral Rules, as also in the census report of 1921 ; the list given in the census report is not precisely the same as that in the Madras Electoral Rules.

113. There is a difference between the list given in the census report and the list given in the Madras Electoral Rules ; it also differs from the list given by the Board of Revenue, who conducted an exhaustive inquiry in connection with the organisation of the depressed classes ?

The Chairman : So long as we have nomination as the means of representation these differences do not matter much. Of course it will make a difference when you have election.

114. *Sir A. P. Patro* : The Board of Revenue made an exhaustive inquiry some time back, and they have classified the different classes of untouchables and the labouring classes ?—Yes ; they have fifteen classes ; that was in 1918.

115. From your experience and knowledge, do you think that it is possible to form separate electorates for the representation of the depressed classes ?—There is difficulty in defining the exact boundaries.

116. Your proposal, I understand, is that you want societies to be organised on the lines of trade unions, register them and then enable them to elect representatives to an electoral college ?—I gave trade unions only as an analogy.

117. If societies are organised by official agencies and they are registered and they elect suitable candidates to an electoral college, you think that members from the electoral college could be chosen to represent these classes ?—I would not like them to be organised by official agencies ; they might be unofficially organised merely on general lines, which might be laid down as desirable.

118. *Mr. Siva Rao* : Do you see any disadvantage in entrusting the provincial legislatures with powers to legislate in the matter of labour on the ground that the legislation and the administration should be by one and the same body ?—Excluding emigration legislation, I do not see any particular disadvantage.

119. *The Chairman* : How can each province legislate separately when it is a question of carrying out the international agreement ?—I am sorry I was not looking at it from the point of view of the resolutions of the International Labour Conference ; I was only thinking of the local conditions. I quite see the difficulty.

The Chairman : It is not true to say that the provinces cannot legislate. The Statute says that the province can legislate with the assent of the Governor General in Council. There has been only one instance since the inception of the Reforms where a particular province which wanted to undertake factory legislation was refused assent because it was thought desirable that all the provinces should have a general standard.

120. *Mr. Siva Rao* : Do the depressed classes abound equally in all the districts or do they abound only in a particular locality ?—They form a considerable section of the population in each district, but they are proportionately much more numerous, for instance, in South Arcot, Tanjore and Chingleput than they are in Northern Circars.

121. Suppose it is decided to form special electorates for the return of the depressed class representatives to the local legislative council, you think that probably some lowering of the franchise might be necessary ? How would you fix the constituencies ? There are about twenty-six districts. Would the constituencies you propose be territorial ?—I was not in favour of lowering the franchise in order to make constituencies for the depressed classes.

122. If it is decided to give ten to twelve representatives to the depressed classes and to the working population, how would you arrange the constituencies ? Would you have one register for the whole of the Presidency ?—I have not considered that point. I am not in favour of it ; it is only as a second alternative that I advocated it. I have not considered the machinery.

123. Some of us are in favour of giving special electorates for these depressed classes, to elect, say, ten representatives. Would you kindly enlighten me in the matter as to how you would fix the constituencies ?—I have not considered the point.

124. Suppose a tentative proposal is put before you to have a representative for two or three districts ?—I have not thought it out.

125. The principles of the general labouring population in each district, do not I suppose, vary very largely ? Whether there is variation or not between the depressed classes population in the various districts, if we give special electorates to the depressed classes they ought to be given the right to contest for the general constituencies also ?—I do not advocate giving separate electorates.

126. *Mr. Siva Raj* : You said that untouchability varies in different parts of the Presidency, but untouchability as such has got certain common effects, for instance, in the matter of admission to the schools, is not that so ?—Some of the objectionable features appear in each district, but not all.

127. With regard to the present representation of the depressed classes in the council, do you think it is adequate having regard to the population of the depressed classes ?—It is not numerically proportionate ;

128. *Mr. Thomas* : You know the Ceylon Government are maintaining two emigration depots, one at Tataparai and another at Mandapam in South India ?—Yes.

129. May I know the relation of your department

to these depots ?—I have a Protector at Mandapam ; he works under me. His usual business is to examine every emigrant who is recruited and who goes there, to see that the requirements of the Act have been satisfied. Emigrants do not go out from Tataparai ; it is not used as an outward depot.

130. As a matter of fact, coolies do go from Tataparai ?—Perhaps to a very small extent. I have no officer there.

131. *Rao Bahadur Rajah* : You have just said that the degree of untouchability varies in various parts of the Presidency. Do you know that even in the enlightened city of Madras the members of the depressed classes are not admitted into the hotels or restaurants ?—I have seen it stated so.

132. Do you know that even in the enlightened city of Madras in the Cosmopolitan Club a B.A., B.L., a member of the Bar, and an Assistant Professor of a college was not able to get admission ?—I have heard of it.

133. Do you know that a member of the depressed classes, a very wealthy gentleman and a member of the Madras legislative council, sought admission to the Madras Cosmopolitan Club but that the admission was refused ?—I do not know.

134. Take it from me that it is true. Can you tell me whether in any part of the Presidency the depressed classes are allowed to draw water from a common well ?—I do not think so.

135. Can you tell me whether in any part of the Madras Presidency the depressed classes are allowed admission to the Hindu temples ?—Not that I know of.

136. What do you mean, then, that the degree of untouchability varies in various parts of the Presidency ?—It varies in point of unapproachability. Unapproachability, I think, is not a phenomenon that you ever come across in the Telugu districts, nor, I think, in the majority of the Tamil districts.

137. *The Chairman* : I have been told that in some parts of the Malabar district there are certain tribes who are regarded as inferior and who are required by custom to keep at a distance from the road if a Brahmin is walking on the road. Does that happen in the city of Madras ?—No.

138. *The Chairman* : So there is a degree ?

Rao Bahadur Rajah : The common degree of untouchability is common water, entering into temples, common schools, common barber, common hotels and restaurants, and so on. In the Malabar district it is only the degree of unapproachability.

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139. *Rao Bahadur Rajah* : With reference to the representation of the depressed classes on the legislative council, I understand you are not in favour of separate electorates for depressed classes ?—Yes.

140. Answering Mr. Hartshorn, you said that you would prefer a constituency consisting of agricultural labourers *plus* industrial workers *plus* depressed classes ?—Yes.

141. And you said that constitutes about 30 millions ?—13 millions.

142. That practically amounts to a general constituency ?—It is a very large constituency, certainly.

143. It is a general constituency, as we are having at present.—That is why I said I am not in favour of separate representation, but if something was considered essential then those people might have that.

144. As a matter of fact members of the depressed classes exercise their franchise in a general constituency consisting of the agricultural labourers, the industrial labourers and the depressed classes and other Hindus. So practically you are advocating the present system of election ?—Yes, practically.

145. Which we have found to be futile. I mean by the present system of election it was not possible to run any member of the depressed classes for any of these constituencies. I suppose you agree with me there ? It is impossible for a member of the depressed classes to seek election in one of the present constituencies ?—Yes, that is very likely true.

146. And therefore your suggestion will not be feasible at all. Then you are for lowering the franchise, and your answer to that was, possession of land. Will you kindly tell me, out of these 6½ millions how many millions would possess land ?—I think you misunderstood slightly. Of course the constituency to which I am referring is not the depressed classes constituency, but the depressed classes *plus* the agricultural and unorganised industrial labour. A very considerable portion of that body is in possession of land.

147. With reference to the depressed classes, in the constituency which you propose to constitute, how many do you think will be able to exercise the franchise if the qualification is possession of land ?—I should merge the depressed classes. That is my point.

Rao Bahadur Rajah : It is impossible to merge. They have been submerged.

The Witness : That is the basis of my proposal. I should regard them as part of the constituency.

148. As at present constituted they are in the joint electorate and they find it impossible to get in, and that is why they want redress, that is a separate electorate for them.

Then as regards the labour, you are not in favour of giving them any seats ?—Organised factory labour, skilled artisans, I say they should not have any separate representation. A community consisting of 150,000 workers and a population of 350,000 I say is too small a body for separate representation.

149. In answer to a question put by Sir A. P. Patro you have advocated electoral colleges for the depressed classes ?—I do not think he used the words " electoral colleges."

150. What is the word which you advise ?—I think what I said was that these associations which might be formed. . . .

151. Do you not think there is danger in these associations ? All sorts of mushroom associations spring up now and then.—That is why I suggest that they should be on lines which Government might lay down.

152. You want officials to organise these associations ?—No. I said they might lay down the lines on which they might be organised.

153. In answer to a question put by Sir A. P. Patro you said that you were against separate schools and separate co-operative societies for the depressed classes ?—Yes.

154. Do you know that in spite of the good intentions of the Madras Government to admit members of the depressed classes into all the schools, they find it very difficult to do it ?—True.

155. And even in the constituency my hon. friend Sir A. P. Patro represents, Ganjam district, Government found it impossible to enforce these rules ?—True.

156. About the admission of these depressed classes in the local board schools in Ganjam ?—I do not know of Ganjam, but I know of cases.

157. Government have reviewed it, and I understand during the term of Sir A. P. Patro as Minister he was unable to do it.

Sir A. P. Patro : I am afraid it is not correct.

158. *Rao Bahadur Rajah* : On page 451* you say that you have got about 926 schools for these depressed classes ?—The figures are stated there.

159. You are admitting caste pupils also into these schools ?—There are a few.

160. Very few ?—Yes.

161. Can you tell me the percentage ?—No.

162. I see in the quinquennial report that there are thousands of caste boys there. . . .

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* Vol. VI.

Raja Nawab Ali Khan: That is very good.

Rao Bahadur Rajah: At the expense of the depressed classes. My point is that the caste boys are very anxious to come and usurp our rights and take away the grants set apart for our boys, but they would not allow us to enter their schools. I do not want these departments to encourage these castes boys to swamp our schools at our expense. These schools are specially intended as a double barrel.

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Mr. F. A. HAMILTON, Inspector-General of Police, Madras, and Mr. G. B. CUNNINGHAM, Commissioner of Police, Madras.

163. *The Chairman*: We know, of course, Mr. Hamilton, that you are the Inspector-General of Police here.—(*Mr. Hamilton*): Yes.

164. And Mr. Cunningham is the Commissioner of Police for the city of Madras. I am not entirely sure about the relations of the police inside and outside the city of Madras. Are you, Mr. Hamilton, the officer at the head of the whole force, including the force of the city of Madras?—Yes, sir.

165. Mr. Cunningham, therefore, the Commissioner of Police, is one of those under your supreme authority?—Yes.

166. The pages dealing with the police are pages 433–435.* I am going to suggest to the Conference, if they find it convenient, that we should wait for the figures we have been promised by the Chief Secretary, for the statistics which show the distribution of Europeans and Indians in the other services and for the police service at the same time. But you have got it even now, I think?—Yes, I have handed it over.†

167. Have you here got an armed police force which is recruited and trained and organised as a separate branch, or do you put every policeman through an armed course?—Every policeman is put through a course of training, but in each district we have what we call an armed reserve, which is kept for the encountering of disturbances.

168. It is a mobile force and can take particular points, or can be borrowed from one district by another?—Yes.

169. The ordinary work of the police will be done by the rest of the police?—Yes.

170. We can leave out the Malabar Special Police and the East Coast Special Police because those are provincial details after all. I see you give details on page 435.* You say that "the strength of the "police force in 1926 consisted of about 140 officers "and 1,870 men in Madras city and 1,750 officers "and 24,000 men in the districts." Now, without delaying with other matters, the question I want to put to you, Mr. Hamilton, is this. Give us the benefit of your own personal view; it will help us. From your point of view, from the police point of view, have you any observations to make or any opinion you would be able to give us on the suggestion which has been made in this province that the police might be transferred to the control of the minister responsible to the legislature?—I have consulted several officers on that point, and the opinion is solidly against the transfer.

171. You say you have consulted?—Yes. I consulted various officers on that point, and the opinion is solidly against transfer.

172. When you say you consulted a number of officers—I do not want you to give names—but you have got, of course, Indian officers and European officers?—Yes, sir.

173. What do you mean when you say you consulted them?—I consulted both and had informal talks with both Indians and Europeans and they are all of the same opinion.

174. Have you got a personal view?—My personal view‡, of course, is that if all other departments of Government are transferred it seems to me that the police must be transferred also; otherwise the position would be exceedingly difficult.

175. *Lord Burnham*: Did you say, if all are transferred?—If all are transferred, it would seem to me that local autonomy would be incomplete without the transfer of the police.

176. What sort of autonomy do you mean?—If the government is provincialised.

177. *The Chairman*: You used the expression "local autonomy." I take it what you mean is, if diarchy is got rid of in all other respects you think the situation of the Police department isolated and away from all other departments, being the only reserved department, would be difficult?—Yes, sir.

178. You have told us very frankly the view which you gathered from asking European and Indian officers. What is the fear based on?—The fear is that the minister responsible for the department would be subject to political and communal interference.

179. You have got long experience of the police force, and assuming that everything else is transferred, I want you to tell me, is it your view that it would on the whole be better to reserve Police or to transfer it?—I think that the better step would be to transfer it.

180. Now, Mr. Cunningham, I am sure you will give us your independent view in the matter, and looking at it from the point of view of the City Police, would you prefer to deal with it separately?—(*Mr. Cunningham*): Certainly, sir. I should like to add an explanation as regards its organisation. The City police is in fact a separate police. . . .

181. Do you recruit for it separately?—Yes, and it is constituted under a separate Act.

182. In that case, once a City Policeman is recruited he remains a City Policeman and he has not to go out to the districts?—He is subject to transfer in certain ranks.

183. The situation apparently is rather like the situation which exists in Bombay?—Roughly, sir. The Inspector-General here has powers of interference only, I think, on financial matters. In all financial matters I go through him to the Government; otherwise I am in the position of the head of the City Police.

184. What about transferring it?—It seems to me that under the present system if all other departments are transferred with the police alone not transferred, we are going to be in an impossible position. It all depends on the machinery of administration you are going to have.

185. That is to say, on that point I gather that you hold the same views as Mr. Hamilton?—I think it is important in this respect to remember that the transfer of Law and Order will be a big safeguard. I consider that good government is going to depend ultimately on the responsibility of the members of Government for Law and Order. If the Government have not got the responsibility for Law and Order there will be no restraining influence in general administration. I think there will be no influence in that direction. That is my general statement.

186. *Lord Burnham*: Mr. Hamilton, do I understand that you are speaking in regard to the transfer of the whole Police department?—(*Mr. Hamilton*): Yes, sir.

187. That includes the Malabar Special Police?—Yes.

188. And also the East Coast Special Police?—Yes.

189. It includes also the Criminal Intelligence Department?—Yes, sir.

190. You have no doubt that in practice it would

* Vol. VI. † *Vide* Appendix A, p. 507.

‡ *Vide* Appendix B, p. 508.

work satisfactorily under a responsible minister, subject to the control of the legislative council ?—Yes, sir; I realise there would be certain difficulties, but I think it would be possible to carry them out.

191. You hinge the whole of your answer so far as I understood you in answer to the Chairman on the contingency that everything else is transferred ?—Yes, sir.

192. Supposing that were not the case, will that in any way alter your view ?—Yes, to a certain extent, sir, because it will then mean that for some other departments of the Government the local Government is not responsible, that is to say, the ministers are not responsible.

193. Supposing then that Finance and Revenue are not transferred, will that alter your opinion ?—It would.

194. Then that means that your opinion is not based on the merits of the case, but on the general circumstances which may prevail in the province due to some change which has not yet been formulated ?—Yes.

195. The Criminal Intelligence Department, I believe, is not very popular in the legislative councils, is it ?—No, sir. It is possibly due to a misunderstanding of its function.

196. Would you tell us what that misunderstanding is ?—They think that it is a department which does nothing.

197. What is their objection to it ?—The only objection they have raised is I think about the surveillance of suspicious characters, chiefly in the case of persons who are engaged in political activities. The C.I.D. people have to watch them to see what is happening.

198. Then would you conceive it possible that with the transfer of the Criminal Intelligence Department it might cease to exist altogether ?—I do not think it could possibly, sir. Some such machinery must always exist.

199. To watch other people ?—Yes.

200. Then I should want to ask you a question or two in regard to its effect on the service. You have furnished us a return in regard to the percentage of Anglo-Indians and Europeans in the different grades in the service. But in case of transfer, the police including the Criminal Intelligence Department and the Special Police becomes provincialised ?—Yes, sir.

201. And, therefore, they are withdrawn from the operation of the Lee Report ?—I presume they would not be.

202. Yes, they would be, of course; in regard to the future recruitment they would, that is to say, the Lee Report only deals with the All-India Services and not the provincial services ?—I presume, sir, that Imperial officers will not lose their privileges under that arrangement ?

203. Of course not, the rights of existing members would be preserved; but I am talking of the permanent prospects when it would become provincialised.

The Chairman: I may put it in this way which is certainly what Lord Burnham and myself have in mind. If things remained as they are, you, as Inspector-General, may look forward to having in the next ten years coming out from England a certain number of new policemen ?—Yes, sir.

204. When the change is made, you must give up that prospect and you must rely in the future on the succession of Indians. Are you content to do that ?—No, sir. I thought that the recruitment would go on as it has been.

205. *Lord Burnham*: Then does that alter your view of this matter ?—Yes, sir. I naturally suppose that European recruitment would go on.

206. If your whole position is altered by the knowledge which the Chairman has imparted to you that the Lee Report will not apply in future, then your opinion is altered ?—Yes, sir, I think that there must be a number of European officers in the future.

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207. *Mr. Cadogan*: Broadly speaking, what is the attitude of the majority of the members of the legislative council towards questions which concern the police ? Are they constructive, hostile, or what is their attitude ?—There is a fair amount of criticism, but I do not think any of it is very serious in its effect.

208. Has it been, on the whole, due chiefly to the fact that it is a reserved subject ?—No, I do not think that has always been the case.

209. *Major Attlee*: You will agree that the Central Government has an interest in Law and Order even in the province, would you ?—Yes.

210. You could conceive of a system by which, so to say, a certain contribution is made to the provincial police force by the Central Government in the exercise of its special rights of which we were told ?—Yes, sir.

211. Will that in any case be a wise provision in case of transfer ?—I should think if it is transferred it would be a wise provision.

212. Therefore, it is quite a possible plan ?—Yes.

213. *Lord Strathcona*: As I understand the Lee Report, and if the police service remains reserved and the recommendations of the Lee Report are carried into effect by which you get 50 and 50 for European and Indian, do you regard that as a satisfactory proportion, and that they will carry on without any loss of efficiency ?—I think there will be a certain loss in efficiency, sir, when the 50 and 50 is reached.

214. Then, as regards the military, if a situation arises in which you wish to summon the assistance of the military, do you, as Inspector-General, send for the military at once on your own responsibility, or have you to consult the minister or the Governor ?—A district magistrate in the district and the Commissioner in the city can order the military in.

215. Is that your view, Mr. Cunningham ?—Yes, sir; the regular procedure is to go through the Government, but in an emergency I may apply for the military myself.

216. I thought that the Inspector-General would be the person who would have to ask for the military. Would it be part of your function, Mr. Hamilton, to ask for the military ?—(*Mr. Hamilton*): It is the function of the district magistrate, sir, or the Commissioner of Police in the city.

217. Those are officers locally responsible for it: you are not locally responsible ?—My answer, sir, was that the district magistrate in a district and the Commissioner of Police in the city could order the military in.

218. Would there be a case in which the district magistrate would consult you first of all ?—He might do so; such a case might possibly arise.

219. *Sir A. P. Patro*: Mr. Hamilton, may I know whether the portfolio of Law and Order has been in the hands of an Indian Member of the Madras Government ?—Yes.

220. And Indian Members of the Madras Government dependent on the legislative council vote for many of their proposals to be carried through ?—Yes, if I understand that remark aright.

221. And never in the last eight years from the time of the Reforms has there been any case in which the member in charge has been influenced by political or communal considerations in the matter of police recruitment ?—It is rather a difficult question. I have to give away secrets were I to answer it.

222. I will put it to you, there was Sir K. Srinivasa Ayyangar, after him Sir C. P. Ramaswami Ayyar, and now Sir Muhammad Oosman. During the regime of these three people, could you say in the Madras Government there was any instance where they were carried away by communal or political considerations in the matter of recruitment ?

The Chairman: I would like to suggest this. I do not see how that question could be asked, and I do not think the witness could very well be expected to go on giving particular instances. You cannot expect

the Inspector-General to say whether it is true without there being any exception.

223. *Sir A. P. Patro*: But, on the whole, the member in charge has been quite just and equitable in the matter of recruitment and administration of the police force ?—Yes, sir.

224. Why do you fear that if a minister takes the place of the Indian Member he would be influenced and swayed by political and communal considerations ? How is it that some of your subordinate officers are afraid of that ?—There is first of all the question of votes and there is also the fear that the members of the legislative council will influence the police officers in districts by statements that they will approach the minister in Madras.

225. Do not they approach the Member now ? Do not the members of the legislative council approach the Member now, when it is a reserved subject ?—They do.

226. Then why should there be any difference between the Member and a Minister in charge of the department ?—The Member is not subject to party vote.

227. Even now the Member in charge of the reserved subject will have to depend upon the vote of the council in order to carry out his schemes ?—That is so.

228. *Mr. Siva Rao*: You said you consulted the views of certain members of the force and on the main ground that political and communal influence might be brought to bear in the administration of these subjects, they seem to have objected to the transfer of these subjects. Could not this ground be urged against the transfer of any subject whatever ?—Yes, certainly.

229. So if their views are to prevail there should not be the transfer of any subject ?—I assume that is the case.

230. Suppose even after the services are provincialised the proportion of Indians and Europeans as prescribed in the Lee Commission Report is kept up, would you have any serious objection or would the members of your force have any serious objection ?—I think the members of the force will have.

Sir Hari Singh Gour: He said he personally would have no objection.

231. *Mr. Siva Rao*: The members of your force will have objection ?—Yes. Their objection is from that point altogether.

232. Evidently you are not opposed to criticism at the hands of the members of the legislative council ?—Not in the least.

233. Can you give any instance in which the legislative council as a body has not shown sufficient responsibility in dealing with the subject of Police ?—The only way in which responsibility is shown is in the course of the budget and I think that during the last two years there have been only two cuts which I regard as having been more or less formal.

234. They have not shown any bias against your department ?—No, I do not think so.

Lord Burnham: I may say that the Lee Report guarantees all these officers status under the Secretary of State by contract with the Secretary of State. They are protected in that way.

235. *Mr. Siva Rao*: I was referring to the proportion and not to the recruitment.

You said that if all the other subjects are transferred, what is the good of reserving one. Then it was suggested that if Finance and Revenue remain as reserved then Police also might continue to be reserved. Suppose the Judicial department with Criminal Justice is transferred, would you prefer to be isolated ?—No.

236. As has been explained to you, provincialisation does not mean exclusion of Europeans. Probably you have not sufficiently realised that. Even after transfer the Government may still retain a certain proportion of European officers on the ground of superior qualifications. Would you not trust the local Government to use their discretion in a matter like this ?—That is what I wish to do. I understood that the condition would be that the recruitment of European officers would be continued.

237. *The Chairman*: Trusting to people's good sense is quite different from imposing a condition ?—I think that any Government must realise that its security against disturbance depends on efficient police, and I think that an efficient police in this country would depend largely on the number of European officers it possesses and therefore the recruitment of European officers should continue, and would be necessary in the view of local Government.

238. *Mr. Siva Rao*: The provincial Government may quite realise the responsibility in the matter of maintaining the security service like the police in an efficient manner. You have hopes in the provincial Government whatever change there may be. They could be trusted with their discretion in a matter like this ?—I would hope that they will have that discretion.

239. *Diwan Bahadur Reddiyar*: You spoke of certain cuts in the legislative council. One of them was a cut of five lakhs in the budget of 1927, and His Excellency the Governor did not restore that by certification ?—No ; it was restored by a supplementary grant.

240. The demand for a supplementary grant of three lakhs was made by the member in charge, and the council voted that amount ?—Yes.

241. If, instead of trusting to the good sense of the Government, you have by Statute or otherwise, a guarantee that a certain number of Europeans would be kept up, then there is no serious objection to the transfer ?—No.

242. *Sir Arthur Froom*: You have stated in the course of your answers that you have consulted certain officers, both Europeans and Indians, of the police force as to their views in regard to the transfer of Police to a minister responsible to the legislative council, and you told us that the opinions received were against the transfer, is it not so ?—Yes.

243. And your opinion is against the transfer, too ?—My opinion is against the transfer ; it so much depends on the conditions.

244. Will you kindly tell me who are the officers whom you have consulted ?—District superintendents and deputy-superintendents of police.

245. You did not go as far as inspectors ?—No ; but one of the deputy-superintendents is an officiating deputy-superintendent.

246. Of the officers you have consulted, how many are Indian officers ?—About a dozen.

247. These officers did not give their opinion, thinking they would please you ?—No ; they gave their own opinion.

248. Are your officers also of the same opinion, Mr. Cunningham ?—(*Mr. Cunningham*) : I think that if you have got a Constitution where you have a fair position of security, and if you have a man serving under this condition, and if you ask him if he wishes to change to another condition where there is the risk of less security, his answer is obvious.

249. The position of both of you gentlemen is that with great reluctance, if everything else is transferred you will agree to the transfer of Police ?—(*Mr. Hamilton*) : Yes.

250. It was not really your original wish to do so ?—No.

251. Supposing there was a scheme by which the police is not transferred but is administered without any hitch in the province, will you prefer to remain untransferred ?—Yes. My opinion in regard to transfer was on the understanding that the present conditions as to recruitment of European officers would continue.

252. Supposing it was pointed out to you that the present recruitment of officers is impossible with the transfer of Police, would that change your views as regards transfer ?—Yes, it will alter the conditions.

253. From whom would you hold the commission ?—From the Secretary of State.

254. If Police is transferred and you are entirely

transferred to the provincial service, you think the officers will hold their commissions from the Secretary of State? I am talking of the new officers?—I think they ought to have security from the Secretary of State. Whether they are supplied on loan or whatever it is they ought to hold their commission from the Secretary of State.

255. *The Chairman*: I do not think you appreciate the difficulty which has been put to you. You know, of course, that Education is a transferred subject, transferred seven years ago. Do you know of anybody in the Educational Service who has been recruited since then who holds his office from the Secretary of State?—No.

256. Why is that?—I quite realise the point. But what I would wish is that even if the service is provincialised the European officers should be recruited and have security.

257. *Sir Arthur Froom*: Do I understand your position to be this; that with all departments transferred in this Presidency, you think that Law and Order and Police should be transferred too, and at the same time you consider that the European element in the police force in Madras should be preserved up to 50–50 as stated in this book, and that those officers should be recruited from an All-India Service?—Yes, that is, as at present.

258. And hold their commission from the Secretary of State?—Yes.

259. If that is possible?—Yes.

260. *Sir Hari Singh Gour*: I see from this Table which you have been good enough to supply to us that you have got five Indian superintendents of police and four assistant superintendents of police. How long have these superintendents of police been there?—I am afraid I cannot give the date of their promotion.

261. Are they promoted from the deputy-superintendents?—Yes.

262. They have been there for several years, I suppose?—Yes, for some years.

263. Are they good men? Are they efficient?—Some of them are good.

264. How many of these five are good?—About 50 per cent.

265. You have got four Indian assistant superintendents of police and 26 deputy-superintendents of police. Both of these perform the same duties?—Yes.

266. Are they efficient? Do they come up to the standard of efficiency which you have set up for an officer of that grade?—Yes, they are largely. The qualities of the Europeans and Indians differ in this way. While the Indian is probably better at case work the European is probably better in the matter of law and order.

267. Each has got a strong point of his own?—Each has got his own qualities.

268. A European has got his strong points and an Indian has got his strong points?—Yes.

269. Therefore you must have an admixture of both if you wish to preserve an all-round efficiency of the police service. That is an obvious fact. When you have transferred everything to the local Government you have provincial autonomy. You know what provincial autonomy means. It means the Governor and a Cabinet of say six or eight ministers who sit together and talk over all these things. When such is the case, you do not think the police is likely to be ignored?—No.

270. Therefore you do not apprehend any danger in the transfer of your department to the ministerial control because you feel that the Governor and his Cabinet will safeguard the interests of the police?—Yes.

271. It has been put to you whether you would like to have the police reserved as a single department. When everything else is transferred and only your department is kept separate, do you not think that you would become an unenviable target of attack by the people on the other side?—I have said so.

272. Yes; you would like to avoid that, and for that reason you want a transfer of your department?—Yes.

APPENDIX A (*vide* Q. 166, p. 504).

STATEMENT SHOWING ON DATE THE NUMBER OF OFFICERS INCLUDING PROBATIONERS IN THE VARIOUS RANKS IN THE POLICE DEPARTMENT DIVIDED INTO CASTES.

Name of Appointment.		Brahmins.	Non-Brahmins.	Anglo-Indians and Europeans.	Muhammadans.	Christians.	Others.
Deputy Inspectors-General of Police	Number or percentage of number to total of rank	—	—	5 or 100 %	—	—	—
District Superintendents of Police	Number or percentage as above	4 or 11·4 %	1 or 2·9 %	30 or 85·7 %	—	—	—
Assistant District Superintendents of Police	Number or percentage as above	2 or 6·1 %	2 or 6·1 %	26 or 78·8 %	1 or 3·0 %	2 or 6·1 %	—
Deputy Superintendents of Police (*)	Number or percentage as above	11 or 25·0 %	15 or 34·1 %	1 or 2·3 %	11 or 25·0 %	5 or 11·4 %	1 or 2·3 %
Inspectors (†)	Number or percentage as above	140 or 47·5 %	77 or 26·1 %	42 or 14·2 %	22 or 7·3 %	14 or 4·7 %	—
Sub-Inspectors	Number or percentage as above	604 or 40·5 %	625 or 42·0 %	12 or 0·3 %	145 or 9·7 %	99 or 6·7 %	5 (‡) or 0·3 %

* Includes the Deputy Superintendent of Police, C.I.D., and the Deputy Superintendent of Police lent to the Pudukkottai Darbar.

† Includes City Police.

‡ Includes four of the depressed classes.

DIRECT RECRUITMENT—ACCORDING TO CASTES.

Caste.	1926.		1927.		1928.	
	Inspectors.	Sub-Inspectors.	Inspectors.	Sub-Inspectors.	Inspectors.	Sub-Inspectors.
Brahmins - - -	1	11	2	27	—	32
Non-Brahmins - -	1	35	2	41	1	37
Christians - - -	—	5	—	2	—	10
Muhammadans - -	—	8	1	10	1	9
Depressed Classes -	—	1	—	—	—	1
Adi Dravidas - -	—	—	—	—	—	1
Total -	2	60	5	80	2	90

DIRECT RECRUITMENT—ACCORDING TO EDUCATIONAL QUALIFICATIONS.

Graduates (including B.L. and Hons.) -	—	13	5	22	1	31
Intermediates - -	—	13	—	17	—	24
Secondary School Leaving Certificate Holders - - -	2	33	—	41	1	35
Exempted - - -	—	1	—	—	—	—
Total -	2	60	5	80	2	90

STRENGTH OF FORCE—1928.

Total Mofussil Police - - - -	25,689
Malabar Special Police - - - -	774
City Police - - - - -	2,048
	28,511

	Mofussil	City	Total
Gazetted officers -	115	5	120
Inspectors - -	289	15	304
Sub-Inspectors -	1,367	77	1,444
Sergeants - -	102	49	151
Head constables -	2,842	259	3,101
Constables - -	20,974	1,643	22,617
	25,689	2,048	27,737
Malabar Special Police - - -	774	—	774
			28,511

Constables of over 5 years' service - -	14,329
,, ,, ,, 10 ,, ,, - -	11,887
,, ,, ,, 17 ,, ,, - -	7,557

1 Police officer to 5·5 square miles.
1 ,, ,, ,, 1,833 of population.
Crimes to population - 1 to 1,584.
In City - - - 1 to 258.

Area of Presidency - -	142,260 square miles.
Population - - -	47,589,049.
Cost of police - - -	Rs. 1,56,57,220.
Village police - - - (including Talaiyaris paid by the Police Department) - - -	25,98,583 in 1926-1927. 32,00,000 in 1927-1928.

APPENDIX B (*vide* Q. 174, p. 504).

Note recorded by Mr. HAMILTON with reference to his oral evidence.

The ideas expressed by me on the subject of the transfer of the Police are purely personal: other officers of the department generally are against transfer in whatever conditions. I, personally, consider that the department might be transferred under the following conditions:—

That all other departments of Government are transferred;

That the recruitment of European officers continues at the rate and to the extent at present settled;

That such European officers hold their commissions from and have the conditions of their service guaranteed by the Secretary of State;

That the Central Government have powers of interference;

That some independent machinery exist to prevent victimisation of officers on account of political and communal considerations; and

That liberal compensation be offered to officers dissatisfied with the conditions of service.

MADRAS.

Dated, 28th February, 1929.

PRESENT :

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND) AND OF THE MADRAS PROVINCIAL COMMITTEE (EXCEPT MR. SIVA RAO).

Mr. H. A. WATSON, I.C.S., Financial Secretary, Government of Madras.

1. *The Chairman* : Mr. Watson, you are Financial Secretary to the Madras Government, are not you ? —Yes.

2. We happened to have been in Madras both this year and last year just at the time of the budget statement, so that we have had some opportunity of learning something of your financial situation in that way. I have been given a set of figures which I should like to go through with you for the information of the Conference. They lead to certain conclusions, but in themselves are matters of record. Let us first of all ascertain through you what has been the change in the revenue of Madras over a series of years. I will take two periods : 1921–22, immediately after the Meston arrangement, and the situation as revealed in the budget memorandum for 1929–30. It stands like this, I think. Taking 1921–22, the biggest item of revenue, then as now, was land revenue. It has not, however, grown very much ; it was 607 lakhs in 1921–22 and the figure (for 1927–28) is 624 lakhs ?—Yes.

3. That is not much of a growth. Will you explain to us quite shortly what the limiting conditions are ? Why does not it grow more ?—An increase in the assessment depends on resettlements, and resettlements come once in thirty years in the various districts ; all the districts do not come up for resettlement at one time.

4. It moves round, as it were ?—Yes. The increase in the assessment at resettlements is based on the rise in prices, so that if there has not been any very large rise in prices in the period immediately preceding the resettlement it would not be possible to increase the assessments.

5. Is some portion of the land in the Presidency permanently settled ?—About one-fifth of the total area.

6. Then there, as I follow it, the land revenue cannot grow ?—That is so.

7. Is not there some regulation in Madras which limits the maximum enhancement at a resettlement ? —It has been decided that assessments shall not be increased by more than 18¾ per cent. at a resettlement.

8. Is that an executive decision or is it due to some legislative act ?—It is an executive decision which was arrived at at the time when a draft Land Settlement Bill was before the legislative council.

9. In this Presidency, as compared perhaps with some others, is there much land which remains to be taken up for cultivation ?—Very little indeed.

10. Those seem to be rather serious limiting conditions which make for inelasticity so far as the land revenue is concerned ?—Yes.

11. However, the figure itself is a very substantial one, of course—624 lakhs. Going on with my two sets of figures, there are figures for Irrigation which I think are net figures. Are they arrived at by charging against revenue the expenses of working, or is anything also charged against revenue for capital outlay ?—Interest on the capital and working expenses.

12. The net figure for Irrigation after deducting only working expenses is 92 lakhs in 1921–22 and 87 lakhs in 1927–28. It has gone down a little. It is unimportant compared with many provinces ?—Yes.

13. Do you get anything back from the central Government under Devolution Rule 15 for income-tax ?—We anticipate getting about 7 lakhs.

14. My figures show that it was a matter of 4 lakhs in 1921–22 and 6 lakhs in 1927–28 ?—We expect about 7 lakhs in 1929–30.

15. It is a very small matter in any case. Now comes the other big head of revenue besides land revenue, Excise. The Conference may like to have the figures. In 1921–22 Excise produced 488 lakhs, and in 1927–28, 534 lakhs. Do you anticipate that there will be much further growth of revenue under the head of Excise ?—No, I do not think it is anticipated that there will be very much growth.

16. You have a prohibition movement here, have not you ?—Yes. There has been a resolution in the council that the policy of the Government should be the attainment of prohibition within 20 years.

17. Stamps apparently in 1921–22 were 190 lakhs and in 1927–28 were 250 lakhs ?—Yes.

18. Another item which is very important in some provinces, but not nearly so important here, is Forests. For that the figures are : 49 lakhs in 1921–22 and 53 lakhs in 1927–28. Those are gross figures, I am told ?—Yes.

19. As a matter of fact, do you make a profit out of your forests ?—If we deduct the expenditure, the net revenue under this head in 1927–28 was something under 3 lakhs.

20. That is very little. I can quite understand you will not get as big an amount in revenue as in some other provinces, because the forests are not there ; but is that, from the financial point of view, satisfactory ? Mr. Layton shows me in one of your returns what the net revenue from forests here is, and as a matter of fact the figures are going down ? —They are.

21. Does that mean that the forests are not being economically conserved, but have been used up because of current demands ?—The forests that are at present run by the Forest department are mainly forests which serve climatic and irrigation purposes. A great number of the forests which produce small timber, firewood, grazing, etc., have been handed over to village panchayats.

22. When we were in Madras a year ago we had an interesting morning seeing one of these forest panchayats. Do you consider the firewood and forest produce of that sort of forest is being disposed of at less than the economic rate ?—Undoubtedly.

23. From the financial point of view, that is of course wasting a capital asset, is not it ?—That is in response to a demand from the ryots of the Presidency and their representatives.

24. If that goes on, the situation is not likely to get better from the revenue point of view, but to get worse ?—Probably.

25. Taking Registration, the figure for 1921–22 was 33 lakhs, and the figure for 1927–28, 39 lakhs. Then there are some small items I need not trouble about. The total in 1921–22, before deducting the contribution to the Central Government, was 15,41 lakhs, but there was a deduction for your contribution in respect of the Meston rearrangement which left you, I think, with 11,75 lakhs net in that year, whereas in 1927–28 your total was 17,06 lakhs. I will take a few other figures in a moment to show how it has grown. The Meston rearrangement left you with the whole of Excise,

whereas under the last of the pre-Reform settlements you got only half the Excise ?—Yes.

26. So that under the Meston rearrangement, the result was evidently that owing to the abolition of divided heads and the way the sources were distributed, Madras, apart from its contribution back, gained very greatly ?—Yes.

27. The effect of that was that you were called on to make a very substantial contribution back; 348 lakhs, was not it ?—Yes.

28. Did you pay that ?—I suppose you did ?—Yes.

29. Has that provincial contribution dropped by stages ?—Irregular stages.

30. And it has been completely wiped out as from 1927-28 ?—Yes.

31. So Madras is a province which as a result of the progressive wiping out of that contribution has gained more than provinces which were called on to make only a small contribution ?—It had a greater increase.

32. Have you imposed any additional taxation since the beginning of the Meston settlement ?—Yes.

33. What is it ?—In 1922 stamp duties, court fees and registration fees were increased.

34. One sees the revenue from stamps has gone up. It was a 50 per cent. increase, was not it ?—Yes.

35. Remembering those two totals which I have given the Conference with your help (11,75 lakhs in 1921 and 17,06 lakhs in 1927), let us see what the position of Madras was before the Meston arrangement. Mr. Layton has shown me these figures. In 1911 the standard revenue of Madras was, I think, 6,25 lakhs. The Central Government, by a sort of discussion with the province, arrived at a figure which they called the standard revenue, and having fixed that as the standard they then made adjustments in the distribution of heads of revenue so as to produce about that figure. I have a figure which shows that the average revenue for the next two years, 1912–13 and 1913–14, was 7,83 lakhs. Then I have a figure which shows what the revenue of Madras was according to the figures which were before the Meston Committee when they made their proposals. They worked on the basis that the province had got a revenue of just under nine crores. That would be in 1919–20. It is evident, therefore, that the revenue of the province has gone up very substantially, for, as we see, it is now seventeen crores. I am told that in his budget yesterday Mr. Moir estimated for nearly eighteen crores ?—Yes, it is very nearly eighteen crores.

36. I do not say you are to be congratulated, but you are more to be congratulated than you used to be ! What do you say about it from your point of view, because this is not the story of every province ? —We feel that we are at last having a little bit of justice done to us in Madras. We have suffered in the past.

37. *Lord Burnham* : A little sunshine ?—Yes, that is it.

38. *The Chairman* : You have been kept on starvation rations for a long time, and now you are having a square meal ?—Well, a decent meal.

39. It is important we should appreciate that that is the position. Now let us look at the expenditure side. I will compare the two years 1921–22 and 1927–28. I see there is a very substantial increase in the amount that is spent on education ?—Yes.

40. That is very good as far as it goes. Perhaps the Conference would like the figures : in 1921–22, 1,43 lakhs ; in 1927–28, 2,21 lakhs. I think the provision for next year is 2,69 lakhs ?—2,79. That includes also buildings for schools.

41. What has it chiefly been spent on ? I have the impression that Madras is a province which has spent a good deal on secondary education, and it goes in for three universities. What about primary education ?—In 1920–21 we spent 63 lakhs on primary education, and in 1929–30, according to the budget, we shall spend 145 lakhs, an increase of 82 lakhs.

Sir A. P. Patro : In addition there is the depressed class education, which is separate.

42. *Lord Burnham* : Does that mean additional schools have been started for primary education where there are already schools in existence ?—It means, I think, that schools have been opened in villages where there were no schools before. There was a scheme to provide a school in every village with a population of over five hundred.

Sir A. P. Patro : Groups of villages.

43. *Lord Burnham* : Without regard to the size of classes or the quality of the teachers ?—We have very largely increased the provision for training schools.

44. I take it in many villages more than one school is provided, whereas one school would do ? Is that so ?—In some villages there is more than one school, but they are provided for special classes. There may be a school for the depressed classes, a school for Muhammadans, or a school for girls.

45. Then you do not think there has been any waste of money on elementary education in order to increase the number of schools or the number of pupils enrolled ?—I am afraid I cannot answer for the Education department.

* * * * * * * * *

47. *The Chairman* : I should like to put a question which I am not sure is within your province. Please say if it is not a thing that you can answer. Is there any figure you can give us which would show how much more would be needed to have universal compulsory education ?—The estimate which has been made is approximately seven crores.

48. *Sir Hari Singh Gour* : Recurring ?—Recurring.

49. *The Chairman* : At present you are spending on education something over two crores ?—Getting on for three crores.

50. *Lord Burnham* : And that is not allowing for an increase in the salaries of teachers ?—No, it is on the basis of the present salaries.

51. *The Chairman* : We have noted the growth in education. To get another figure or two on the expenditure side, I notice the expenditure on Medical and Public Health in 1921–22 was 85 lakhs, and in 1927–28, 96 lakhs. Am I right in thinking the provision in the budget for 1929–30 is 144 lakhs ?—Yes.

52. *The Chairman* : It is going up very fast for medical and public health. What is the main cause of the rapid rise from 96 lakhs last year to 144 lakhs now proposed to be spent ? Do you gentlemen know ?

Sir A. P. Patro : Rural dispensaries are being established ; that is to say, in every big village or group of villages a dispensary is to be opened by a qualified medical man, and a subsidy is given for the purchase of medicines, and annually a grant is made by the Government for aid in rural areas. This is being increased in a progressive manner.

53. *The Chairman* : Let us take one or two other things. Take Law and Order. The expenditure of 1921–22 was 325 lakhs, and in 1927–28 it is 319 lakhs. It is stationary practically. That includes more than police. If one takes the police out of it, the police cost 200 lakhs in 1921–22, and 192 lakhs in 1927–28. Those seem to me to be the most striking figures ; and if totals are of interest to the Conference, in 1921–22 the expenditure was 1,274 lakhs, and in 1927–28, 1,504 lakhs, and that left you with a surplus on the year, I see ?—Yes.

54. In 1928–29 the surplus is practically 90 lakhs, and has your opening balance gone up ?—Since the remission of the contributions.

55. I am not expecting anybody from the Financial department to say he is satisfied, but your general position is not so bad ?—Just for the moment.

56. There is a provincial debt, is there not, or there was a provincial debt to the Central government ?—Yes.

57. And is that debt being reduced ?—We propose to repay about 212 lakhs this year, on the 1st of April.

58. And that, I suppose, is done out of the balances ?—Yes.

59. *Colonel Lane-Fox* : You said something early on about part of the Madras Presidency being under a system of permanent settlement. How did that happen ? Were they originally part of Bengal ?—No, there was at one time a general desire by the Directors of the East India Company and the Government of India to introduce permanent settlements generally. They thought that was a better system than any other system.

60. To what districts did it apply in Madras ?—Well, I suppose there are more big zamindaris in the Northern Circars, but it is very difficult to say. There are big zamindaris in the south also.

61. It only applies to big zamindaris, not to a whole area : is that so ?—Partly that, and partly in certain parts. For instance, in Salem district they began selling and making *Mittahs*, but a very great number of those had to be sold up soon after they had been formed, and were then settled under ryotwari.

62. *Lord Burnham* : As a matter of fact, for the purpose of the permanent settlement they came on here from Bengal, did they not ? The East India Company sent down here to make a permanent settlement after they had done with Bengal ?—I think that was so.

63. With regard to irrigation and the Public Works Department, under which it falls, how do you stand roughly as to the profit and loss account ? Mr. Layton shows me that the net revenue has fallen considerably. Could you explain the Madras irrigation settlement ?—The net revenue on works for which capital and revenue accounts are kept, after deducting working expenses and interest on capital, has fallen from roughly 66 lakhs in 1919–20 to 37 lakhs for 1927–28.

64. Is it still on the down grade ?—Yes.

65. And could you tell us just from your own point of view what the reason is ; the revenues are going up ?—The revenue is going up, but the working expenses are going up very considerably. That is partly a temporary rise, owing to very heavy floods in 1924 in the Tanjore Delta.

66. They have gone progressively up, I see, from 1921–22—from 1919–20 even more so—to more than double, 2½ times the base figure ?—What do you mean by the base figure ?

67. I ought to have said the figure I have taken. From 1919–20 to 1927–28 the expenses have gone up from 20.90 to 51.59 ?—Yes.

68. I only want you to tell us, is it the cost of labour or of salaries or of material, or what ?—It is very largely the cost of labour, and the cost of salaries, of course, but it is also that improvements have been demanded in the deltas. It is mainly in the large deltas of Tanjore, Kistna and Godavari.

69. That is for what are called protective works ?—No, these would be mainly drainage works. It is partly protection against flooding, but also a great deal improving the drainage.

70. Is it in any respect due to the administrative changes in the working of the department since the Reforms ?—I do not think so.

71. At page 458,* the working of the system of the Government of Madras—I am referring to the chapter which deals with the Public Works Department ?—I am afraid I have not seen that.

72. I only wanted to know whether it is due to this transfer of control of certain channels and other things which are mentioned there ; that is to say, whether there is less efficiency ?—I am afraid that is rather taking me out of my province.

73. Of course, I do not want to do that, but there is this increase in expenditure, this diminution of net revenue, which is a rather serious matter, is it not ?—Yes.

74. Have you at the present moment fresh works in prospect and begun ?—Large new reservoirs, yes. We have one very big project, the Mettur Reservoir.

75. Is it estimated that that will produce a profit or not ?—It is estimated that it will give slightly above the interest on the capital, very slightly above it.

76. That will not alter the figures for the worse, then ?—No.

Lord Burnham : One would think it showed less economies in working.

The Chairman : Speaking broadly, since 1921–22 the net revenue has been falling and the working expenses, speaking broadly, have been rising ; if you start from 1919–20, very much so.

77. *Lord Burnham* : Have wages nearly doubled since before the war ?—Yes, I should think they have nearly doubled.

78. *Mr. Hartshorn* : Since pre-war days ?—Yes.

79. *Lord Burnham* : Is the water rate the same ?—Yes.

80. There you have got the explanation ?—There is not very much water rate separate from the land assessment ; it is a consolidated assessment in this Presidency.

81. It comes to the same thing ?—Yes.

82. *Major Attlee* : I wonder if you can give me any idea whether there is any marked difference in the taxable capacity of the different parts of the province, whether the Northern Circars or the Ceded Districts or the West Coast, if they were standing alone by themselves, would be deficit districts or not—whether there is one part of the province that is much wealthier than the rest of the Presidency ?—Giving you my own opinion, I should say that the Ceded Districts are probably the poorest part of the Presidency.

83. What about the West Coast ?—I think that is generally regarded as wealthy.

84. And the south—Tanjore and so on—is that wealthy ?—I suppose that is probably about the average of the Presidency.

85. *Sir A. P. Patro* : The forest panchayats deal only with very small areas of jungle necessary for the fuel of the ryots, do they not ?—That is so.

86. They do not deal with the forests which yield any revenue ?—Well, they used to yield considerable revenue.

87. The grazing rates are the same ; they are fixed by the Government according to the rules ?—Yes.

88. You will remember that Mr. Moir, in introducing the budget of the year 1927–28, clearly pointed out that the growth of revenue of this province will be very little in three years—that expansion of revenue cannot be expected, while the growth of expenditure is very large, and at the end of three years all the surplus that has been shown in the budget by the release of the contributions will be swallowed up, and there would be nothing left at the end of three years ?—Yes.

89. And that the province will be financially almost in a state of bankruptcy if this expenditure goes on ?—Yes.

90. That is a very unsatisfactory state of things, is it not ? At the end of three years there will be no money available for the growing expenditure on all the nation-building departments ?—That is so.

91. In paragraph 7, page 79,* you show that in spite of this large increase of revenue which we get from the Meston adjustment of the financial condition of this province, the result is very unsatisfactory. You say : "The result was that the "whole of the additional resources placed at the "disposal of the Madras Government under the new "arrangements were absorbed in the very first year "of the Reforms."—Yes.

92. And so you have a series of deficit budgets for three years ?—Yes.

93. And again, at page 83,* showing the revenue of 1920–21 and again 1928–29, you say : "These "figures show that the growth of revenues allocated

* Vol. VI.

"to the Madras Government has been small."—Yes.

94. Unless there is control over expenditure, you point out that at the end of three years, say by 1932, the financial position of this province will be unsatisfactory ?—Yes.

95. Land revenue is our biggest item of revenue. This year the resettlement of practically all the districts will be finished, and then for thirty years we cannot have any further increase under land revenue ?—There are a few districts still to be done, but most of them are finished.

96. But the programme of resettlement will be practically finished in a year or two ?—The main districts will have been resettled, yes.

97. And we will not be able to expect any expansion of revenue from resettlement ?—No.

98. Also, the tendency is to attack excise revenue ?—Certainly.

99. And already a large sum has been allotted in this year's budget for temperance propaganda ?—Four lakhs.

100. *Lord Burnham* : What is this propaganda ?

Sir Hari Singh Gour : Is it some sort of Pussyfoot business ?

Sir A. P. Patro : There has been an attack from all sides on the administration of the Excise department, and from time to time the minister in charge of that department has said that the people must co-operate in the cause of temperance, and that it is no use having Government officials for this work. This is to enable non-officials and local bodies to co-operate in promoting temperance. The minister in charge has thought it necessary to work out a scheme to meet this demand from the public, and has said that a subsidy will be given to certain local bodies—municipalities and taluk boards—so that they can start educating people as to the evils of drink. "Pussyfoot" Johnson is here; he is going to inaugurate the system.

101. *The Chairman* : Who has the spending of the money ?

Sir A. P. Patro : The local boards and municipalities. The subsidy will be given to them.

The Witness : And private individuals.

Sir A. P. Patro : Private temperance associations.

102. *The Chairman* : They will get the money, but who is to give it ?

Sir A. P. Patro : Government.

103. *Lord Burnham* : Is it to go in salaries or fees ?

Sir A. P. Patro : Fees. That is one of the grounds of the attack on the budget—that it is extravagant. On account of this sort of thing, we do not expect a rise in the revenue from Excise; as a matter of fact, we expect a fall ?

The Witness : Yes.

104. *The Chairman* : Does the Excise minister spend the money ?

Sir A. P. Patro : Yes. It is put in his budget. The Excise commissioner will have to advise as to the associations or local bodies which require this contribution. Local bodies and associations apply for these contributions, and all these applications go to the commissioner in charge of Excise, and his recommendations will come to the Excise minister, who will have to sanction them finally with the aid of the Finance department, who will see it is proper expenditure, and then it will be allocated.

105. *Lord Burnham* : He sanctions the scale of fees for speeches ?

Sir A. P. Patro : Yes.

Sir Hari Singh Gour : He will have to take care the scrutinising officer is a total abstainer !

106. *Colonel Lane-Fox* : Do I understand this money is to be paid out in fees to lecturers ?

Sir A. P. Patro : Yes, to temperance workers. We have not had details of the scheme from the minister yet, but that is what I understand from remarks he has made here and there in his speeches.

107. *Colonel Lane-Fox* : It is a new scheme, starting in this year's budget ?

Sir A. P. Patro : It is a new scheme, of which the details have not yet been disclosed. What I have said is what I have gathered from his speeches is the outline of the scheme. Once it is started it may lead to heavy expenditure gradually.

108. *The Chairman* : Is the matter likely to be the subject of a debate in the council here ?

Sir A. P. Patro : It will be.

109. *The Chairman* : Then probably we had better keep off the subject. It strikes one as an original scheme.

Sir A. P. Patro : I was only drawing attention to the fact that the excise revenue cannot expand, and there is every chance that it will contract. In the course of three or four years the Madras Presidency will be in a very sad plight financially; that is my point.

110. *The Chairman* : Is that so, do you think ? Do you think in a few years Madras will be in a very sad plight financially ?—If the present rate of increase in expenditure is maintained.

The Chairman : Everyone will get in a sad plight if they spend more than they get.

Sir A. P. Patro : Mr. Moir pointed that out in his speech last year. The position is not so rosy as it appears on paper; we will be in a very bad state before long.

111. *Mr. Siva Raj* : Can you tell us what it would cost to introduce free elementary education for the depressed classes only ?—I am afraid I have no figures for that.

112. You said if you introduced universal free education throughout it would cost about seven crores ?—Yes.

113. But you have not estimated what it would cost for the depressed classes alone ?—Not for the depressed classes separately.

114. *Diwan Bahadur Reddiyar* : There is a great deal to be done, is not there, in the way of rural development ?—I think so.

115. The Legislative Council has passed resolutions asking for the constitution of a rural development fund ?—Yes.

116. And the Government are studying that question ?—They are considering it.

117. If that fund is instituted, it will involve a considerable amount of recurring expenditure ?—Yes.

118. You know the Financial Relations Committee recommended that Government should give assistance to the local bodies for certain purposes ?—Which Financial Relations Committee ?

119. The Committee constituted by Government in 1920, of which Sir (then Mr.) Muhammad Habibullah was a member ?—I am afraid I do not remember what their proposals were.

120. You know that Government promised aid to local bodies for certain purposes, and have not redeemed that promise ?—I do not know what promise was given, and cannot say whether it has been redeemed or not.

121. They promised a certain proportion of the excise revenue should be handed over to local bodies, in accordance with the report of the Financial Relations Committee ?—Did Government promise that ?

122. Government said they accepted the recommendations of the Financial Relations Committee, and would carry them into effect when funds permitted ?—I am afraid I do not remember that.

123. *Sir Arthur Froom* : Our Chairman has told us that your figures for land revenue (excluding irrigation) are: for 1921–22, 607 lakhs, and for 1927–28, 624 lakhs ?—Yes.

124. You have told us that the period of settlement is thirty years ?—Yes.

125. From 1921–22 to 1927–28 would appear to be six years ?—Yes.

126. So that is about one-fifth of the round. Is this increase of 17 lakhs between 1921–22 and 1927–28 about the normal increase, or was it less in those six years than might have been expected, and possibly will it be larger in the next six years ?—I

should think it was probably larger during this period 1921–22—1927–28 than it will be in the future.

127. That is, at any rate, a good average ?—Above the average, I should say.

128. You told our Chairman you looked upon the position of Madras now as satisfactory ?—For the moment.

129. Have you any fears for the future ?—Yes.

130. Do you consider that Madras at the moment is subscribing its share to the Central Government as compared with what the other provinces subscribe ? I am not talking about the Meston Award or about provincial contributions; that is wiped out. But the industrial provinces, as you know, make a large outcry that they are paying a huge amount of income-tax, and the big ports talk about customs, and so on, and say that their land revenue is nothing like the land revenue of the happy Presidency of Madras. Do you think the Madras Presidency, compared with these others, is paying its share to the Central Government ? You can see there is some ground for Calcutta or even Bombay asking for an adjustment. If you were Finance Secretary of Bombay, do not you think you would have some cause for complaint ?—I do not know what I should think if I were Finance Secretary there ! But every person in India pays according to his capacity to the Central Government. The taxes are all levied at the same rate throughout India.

131. But, of course, the Meston Award and the provincial contributions were intended to measure the capacity of each province to pay, and your capacity was put at something like 3½ crores, was not it, to level things up ?—Was that the capacity to pay, or due to the fact they thought they could get it ?

132. Capacity to pay over and above what you were paying in income-tax, etc. It is a fact, at any rate ?—They did take that, yes.

133. And with the abolition of provincial contributions Madras is better off by 3½ crores ?—That is the fact.

134. And therefore those provinces which did not contribute, or did not contribute so much, are obviously worse off than Madras now the provincial contributions have been abolished ?—I should say they were better off than Madras before. I should put it in that way.

135. *Sir Arthur Froom* : Then you say the Meston settlement was totally iniquitous ?

The Chairman : The change from the comparative position when the contributions were in vogue to the position when the contributions were cancelled is one which was more for the benefit of provinces which made big contributions than for the benefit of those which made small ones ?

The Witness : Yes.

136. *Sir Arthur Froom* : Yes, I wanted to give prominence to that in case there is some further adjustment; provinces which are badly off and have not received relief from the abolition of provincial contributions have to be considered. If in the future entire self-government (what is sometimes called provincial autonomy) is obtained by Madras, how do you propose that your loans should be managed ? Do you think you should still get them through the Central Government, or should you be allowed to raise your own loans ?—I think we should get them from the Central Government.

137. You would get your money cheaper that way ?—Yes.

138. If an effort were made to make other provinces as happy as Madras is, it is presumed the Central Government might have to forego some of their revenue from these provinces. In that case the Central Government would have to find fresh money. If it was decided to forego some of the income-tax and allow it to go to the provinces, that would not benefit Madras proportionately so much as Bengal ? —No.

139. And if the Central Government gives away some of its money, naturally it has got to find money from somewhere else ?—Yes.

140. Have you studied any schemes for fresh taxation for India as a whole, say on the lines of the Taxation Committee's report ?—We have considered the report of the Taxation Committee.

141. *Sir Arthur Froom* : What is your opinion of the suggested excise on tobacco ? Do you think that would bring in a large sum of money for Madras ? If I remember rightly, it was calculated it might produce a total revenue of about three crores ?

Sir Hari Singh Gour : Yes.

The Witness : How is the excise duty on tobacco to be levied ?

Sir Arthur Froom : I am not sure how they proposed it should be levied.

142. *Sir Hari Singh Gour* : On manufactured tobacco, cigarettes and cigars ?—There are many small people down here.

143. Something like the old excise duty on cotton ? —Would that be only for big factories ?

144. Big and small everywhere ?—We have a lot of very small ones.

145. *Sir Hari Singh Gour* : They have not worked out the details; that is their general plan ?

Sir Arthur Froom : There are now very big factories in India, manufacturing cigarettes which used to be imported from abroad.

146. *Lord Burnham* : Are large quantities of cigarettes imported as well ?

Sir Arthur Froom : A certain amount, but the manufacture of cigarettes in India has gone up enormously.

Sir A. P. Patro : I believe it was worked out and found impracticable.

147. *Sir Arthur Froom* : Have you considered another suggestion of the Taxation Inquiry Committee, namely death duties ?—They were considered, and the opinion of the High Court was dead against them.

148. What about income-tax on agricultural income ? Would that be welcomed in Madras ?—*I* do not think it would be welcomed. It would be very difficult from an administrative point of view to assess and to collect.

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152. *Sir Hari Singh Gour* : I want to ask you a few questions about land revenue. You have said that the legislative council passed a resolution that in future resettlements of the province no more than 18¾ per cent. enhancement should be made (page 84*) ?—Yes.

153. What were the grounds for fixing the maximum at 18¾ per cent. ?—I think that is the rate fixed in the Estates Land Acts for rents from ryots to landlords.

154. Did the Government support the resolution of the legislative council ?—They have given effect to it.

155. They have given effect to it, no doubt, but at the time when the members moved this resolution, did the Government accept it, or did they oppose this resolution on the ground that we are hypothecating posterity and spending income so that thirty-six years hence a complete revision may become necessary ?—I cannot remember. I was not a member of the legislative council at the time; I do not remember the details of the debate, but judging by the fact that Government has accepted this and given effect to it, presumably they did accept it.

156. The land revenue might go up by 500 per cent. elsewhere, but here by only 18¾ per cent ?—Yes.

Sir Hari Singh Gour : That is very unfair.

Sir A. P. Patro : It is not on land revenue; it is based on increase of prices.

Sir Hari Singh Gour : What will posterity say ? They will say that our forefathers bartered away all our rights. Everybody is being starved. That is not a principle of taxation in any country.

* Vol. VI.

Sir A. P. Patro: But if you are an agriculturist and landowner you feel the pinch!

Lord Burnham: That was the Bardoli case.

Khan Bahadur Khalif-ul-lah Sahib: If I may be permitted to say so, the bill itself was a bill of the Government. The proposal of 18¾ per cent. emanated from Government. This is not a private bill.

157. *Sir Hari Singh Gour*: But was there any limit put to the periodicity of the settlement, how often the settlement should be made?—They are thirty year settlements.

158. So now you have got two rigid rules—no settlement before thirty years, and no increase beyond 18¾ per cent.?—Yes.

159. As regards the cesses, do they not bear a fixed relation to the land revenue?—It is a proportion of the land revenue.

160. Therefore, in placing that limit upon the growth of your revenue, you have equally placed a limit for the time being upon the growth of your cesses?—Provided the proportion remains the same. That is not fixed.

161. The result, therefore, is that you have also placed a limit upon the growth of expenditure on communications, public health and education, and the other nation-building departments for which the district board is responsible?—The proportion of cess to the assessment could be increased.

162. Is it the view of your Government that while the land revenue would not be increased, the proportion of cess which it bears to the land revenue might be altered?—It might be altered.

Sir Hari Singh Gour: At any rate, that is a redeeming feature in the policy of your Government, as you put it.

Diwan Bahadur Reddiyar: That is a matter for the local boards, the proportion of the cess.

163. *Sir Hari Singh Gour*: Yes. Now, with regard to stamps, judicial and non-judicial, which I find at pages 85 and 86,* what I find is that there has been an increase of 38·94 per cent. in judicial stamps, and in non-judicial stamps there has been an increase of 36 per cent. within the last eight years. Now, turning first to the judicial stamps, has there been a surplus there? There must have been a surplus there?—A surplus over what?

164. A surplus over the expenditure on the judiciary?—It is very difficult to calculate what the expenditure on the judiciary is. You have not only salaries; you have buildings and pensions and stationery, and many other expenses of that kind.

165. It was pointed out to us in Bengal that they were living upon the judicial income, which came to about one-fifth of their total revenue; they were driven to it, though it was a bad principle, simply because they were hard up?—Yes.

166. I want to know whether any such circumstance exists in your case, whether you are drawing upon this income for the purpose of implementing your general revenue?—The general view, I think—it is difficult to calculate exactly—is that the expenses are practically equal to the income from the judiciary.

167. The point I am making is this. Was this increase necessitated by an increase of the judicial staff, or was it part of the general policy of raising revenue?—The increase was necessitated by the increase in the general expenditure of the province which was due mainly to increase of salaries, in which, of course, the members of the Judicial department shared to that extent the increase was necessitated by an increase in salaries of the judicial staff.

168. But, of course, the enhancement of the judicial stamps did not necessarily bear a fixed ratio to the revision of salaries?—I do not think it was fixed definitely on that ratio.

169. It comes to this, that though it was in some measure due to increased expenditure on the judiciary, the real reason for the enhancement of the revenue was to supplement the general resources of the province?—The increase in stamp duty was imposed in consideration of the general financial position of the province.

170. Undoubtedly so in the case of non-judicial stamps?—Yes.

171. You have dealt with it at page 85.*—It was also the consideration for judicial stamps.

172. Now, as regards registration, I suppose the same considerations led you to raise your registration fees?—Yes.

173. And the result was that it immediately brought into play the law of diminishing returns, because I see on page 87* that the increase in registration fees during the year 1922–23 should normally have been about six lakhs, but "the actual increase "in that year was only Rs. 3·24 lakhs owing to a "decline in the number of registrations as well as "in the value of documents registered." I turn to the next page, and find that the value of documents which were registered has gone down by about one crore?—It must be remembered that that period also coincided with the slump which came after the post-war boom. That question had been considered, and there was undoubtedly a slight effect—the increasing fees had some slight effect on the number of registrations, but the conclusion was that the effect was very small indeed; the decrease was mainly due to the slump that came after the post-war boom.

174. Do you think that the registration fees will go up again as soon as the depression disappears, that it will not leave a permanent impress upon the registration fees, as evidenced by the fact that they have gone up so much that people do not want to register their documents, and go in for evasion?—There is nothing to suggest now that there is any evasion. If you see the figures of the number of registrations and the revenue from registration, they have been growing, and growing at more or less the same rate as they did before the increase.

175. You have referred to a resolution of the local council on the policy of prohibition. Did the Government oppose that resolution on the ground that Excise is one of the mainstays of the province, and that unless the legislature suggested some compensation for the loss of revenue from Excise, the Government must oppose the resolution?—I cannot remember. I was on leave at that time.

176. *The Chairman*: How does that stand?

Sir A. P. Patro: Government have not agreed to prohibition, but a committee was appointed in order to investigate the matter.

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177. *Sir Hari Singh Gour*: * * * There has been a very serious loss of revenue, amounting to about 64 lakhs?—Yes.

178. Before you incurred this very heavy loss, the first thing one would think of would be to pass a resolution and say, "We shall not have any more "excise, but how is the government going to be run? "How are we going to find the money?" What your Government seems to have done was first to allow the resolution to pass, and then appoint a committee and ask it to furnish certain data for the purpose of filling up this hole in the revenue. I suggest that that should have been done first, otherwise the Government should have opposed this resolution. I want to know whether it was done or not?—I am afraid I was not in the council at the time. I cannot say what happened on the voting.

179. As regards retrenchment, I find that your Retrenchment Committee has recommended the saving of 36 lakhs (page 79*), and you only effected retrenchment to the extent of 18 lakhs. Can you give any reason why you did not go to the full length of effecting the retrenchment recommended by the committee?—It is very difficult to give effect to retrenchment all at once.

180. But are you going to give effect to it in a progressive manner?—We have given effect to the recommendations of the Retrenchment Committee.

181. But this thing which was drawn up in 1928 (page 79*), does not seem to suggest that full effect

* Vol. VI.

has been given to the policy of retrenchment recommended by the Committee in 1922 ?—I think that is not the impression that it meant to give.

182. Do you think the 36 lakhs have been saved ?—I think the recommendations of the Retrenchment Committee were given effect to.

183. *The Chairman*: Your answer, I understand, means that this Retrenchment Committee made a rather too sanguine calculation as to how much would be saved if their recommendations were adopted ?—That is in effect so.

184. You have adopted the recommendations, you say ?—Yes.

185. But although it has saved something, it has not saved as much as they hoped ?—That is so.

Sir Hari Singh Gour: Thank you.

186. *Sir Sankaran Nair*: Do the accounts show any distinction between the cost of administration of civil justice and of criminal justice, to decide how far it is the civil litigant who paid this tax ? In order to meet the contention that Government should not tax litigation, could a separate account be made for the administration of criminal justice and for the administration of civil justice ?—We could make out that account as regards establishment and contingencies.

187. And judges ?—Yes, not exactly but fairly accurately.

Sir Hari Singh Gour: I am sure that you could do it, because your administration figures apply entirely to the High Court.

188. *Sir Zulfiqar Ali Khan*: You have told us that the financial position of Madras may be unsatisfactory in three years' time. By then the new reforms will be inaugurated. Do you think it would be fair to the new autonomous Government to leave this heritage to them ?—The increase of expenditure has been mainly on transferred subjects, the nation-building departments, and is the result of the policy of the ministry.

189. The increase of expenditure has been on the transferred side ?—Yes.

190. Then it will be the duty of the autonomous Government to find new avenues of taxation to meet their expenditure ?—Or to reduce their expenditure to their income.

191. With regard to the question put by Sir Hari Singh Gour as to the increase of the land revenue demand, I understand that 18¾ per cent. is the maximum enhancement at each revision ?—Yes.

192. Do not you think it is a fair policy on the part of the Government to think of the poor masses and to give them some margin of profit to enable them to live a comfortable life, and not to enhance the land revenue demand more than this ?—That is the policy of Government, not to take more than 18¾ per cent. increase.

The Chairman: We are much obliged to you. You have given us a good deal of useful information.

Memorandum submitted by The Honble. Sir V. M. Coutts Trotter, Chief Justice, High Court, Madras.

In accordance with the suggestion of the Chairman of the Statutory Commission I am writing this short memorandum, my material being the documents submitted to the Commission by the Honourable the Chief Justice and Judges of the High Court of Calcutta and the evidence given to the Commission by Sir George Rankin, the Chief Justice of Calcutta. I entirely agree that it is desirable that all High Courts in India should for administrative purposes be put under the Government of India and made independent of the Local Governments. With that question is closely allied in my judgment the question as to how far the High Courts should continue to discharge the administrative duties which at present are cast upon them. The subject presents itself to my mind as an alternative of two courses. Any member of the Local Legislative Council can move a token vote in reduction of a grant of the High Court and in moving it can make statements which are legally privileged, casting grave imputations on persons whose appointments are alleged to have been recommended by the High Court, or indeed, on the High Court itself. It is no doubt an attractive pursuit, to attack from a vantage-ground of absolute privilege those who cannot answer back; for the High Court cannot defend itself on the floor of the Legislative Council, as Sir George Rankin points out. The only official defender of the High Court is the Member of Council entrusted with the Law portfolio—commonly called the Law Member. The High Court is quite willing to furnish him with such material as it has to enable him to answer the questions put and does so. But the material is sometimes so voluminous or so technical that it can hardly be expected that the Law Member whose hands are full of other work will have time to digest it before he is to answer the questioner in the Council. I have known instances too where a Law Member, through inexperience of debating methods or, I am sorry to add, sometimes from lukewarmness, has proved an inefficient bulwark in defending the action of the law department. If these matters were under the control of the Government of India, the temptation to ask questions with the sole purpose of vilifying the administrative acts of the High Court will doubtless be greatly reduced.

For myself I much prefer Sir George Rankin's alternative suggestion that the High Court should be relieved of all administrative work whatever in view of what he calls " the increase or sharpening of democratic institutions." I do not question that the Judges from their experience have a great deal more knowledge as to the personnel and capacity of the subordinate Judiciary than is likely to be at the disposal of Government; and it is for that reason that the High Court has felt it a duty to continue to exercise executive functions of which it would gladly be relieved. In my opinion the time has come when the position of the Judges with regard to such matters has become wellnigh intolerable. We are supposed to bear the responsibility for many appointments which are made by the Executive Government not merely not on our advice but often directly contrary to it; and all these matters can be raised by questions in the local Council put forward on behalf of any disappointed place-hunter. My solution would be the wider one outlined by Sir George Rankin that we should be relieved of all administrative duties whatsoever; and, failing that, it seems to me imperative that the controlling authority should not be the local Council but the Government of India.

I do not suggest that when we are exercising administrative and executive functions—for it amounts to that—we should be immune from criticism of our action either in the Council or even in the press, as has been more than once the arena chosen for such criticism. Many of the judges have felt very keenly their inability to answer back when attacked as they thought unfairly on the administrative side of our work. One judge put it to me in this way: " We " follow the English rule that a judge's mouth should " be closed and that he should make no reply to any " criticism made on our action. That rule the " English judges have never deviated from, nor should " we think of deviating from it as regards our judicial " work. But the English judges have only judicial " work to deal with; we have put upon us a quantity " of administrative work, which we do not wish for, " and yet have imposed on ourselves the same rule " of silence as the English judges. That is to say " that we can be freely attacked in public on that " side of our work, but have voluntarily agreed not " to answer back."

There is, I think, a good deal of force in this argument, but I do not accede to it. To me it seems that we judges ought not to feel ourselves concerned as to our own position in such a matter. What to my mind is of infinitely greater importance is this. The High Courts of this country have, and I hope they merit it, the confidence of what I will call the mass of the litigant or potentially litigant public, that if members of that public get their cases up to the High Court they will there have a fair and impartial trial. Those whom I have in mind could not understand that there was a double side to the activities of the High Court—the judicial side, which alone concerns them, and on which the court is not subject to political criticism—at present, and the administrative side, on which it is. All they know or rather are told by informants who are probably working for political ends is that an attack has been made on the High Court in the Council. They doubtless assume that it is an attack on the impartiality or freedom from corruption of the judges of the High Court, and the suspicion will spread downwards to the District Courts, the Subordinate Judges' Courts and Munsifs' Courts. The only remedy appears to me to be to relieve us of all administrative functions and place them in the hands of the Executive Governments, where they properly belong.

I would only add in conclusion that I would much rather have sent up a minute from the court as a whole than one of my own. Time has precluded that, but I have shown what I have written to two senior colleagues of mine, and they agree with it.

NAGPUR.

Dated, 14th March, 1929.

Afternoon.

PRESENT :

ALL THE MEMBERS OF THE COMMISSION (EXCEPT LORD BURNHAM AND MAJOR ATTLEE) AND OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND AND SIR ZULFIQAR ALI KHAN).

Mr. H. C. GOWAN, C.I.E., I.C.S., Chief Secretary to the Government of the Central Provinces.

1. *The Chairman* : Mr. Gowan, as we know, you are the Chief Secretary of this province. * * *

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13. *The Chairman* : Mr. Rajah, you will be going into this for us, no doubt, later on. The census figure given on page 158 of Volume XI of the 1921 Census, a total of 2,966,000, is headed " number of " untouchables."

Rao Bahadur Rajah : Yes.

14. *The Chairman* : As far as I remember, that expression in the census figures has not been used, has it, as a rule ? We have had " depressed classes," and things of that sort, but here they say " untouchables," and they accompany it by this note : " The figures of the principal untouchable castes " are given in the groups to which they belong, ' but in view of the social problem connected with " them it is convenient to include them in one " place. They are therefore tabulated in the margin." There are fourteen castes named, adding up to this total figure of 2,966,000. " Owing to the omission " of minor castes, the number of untouchables is " greater than that actually shown, but even so, " in spite of the teaching of Mr. Gandhi, there are " no less than 19 per cent. of the population of the " province whose touch is pollution to their fellow " men." You might just tell us what your view is about that. Do you consider that that figure of close upon three millions, the census figure, is about the fair figure to take for what have ordinarily been called the depressed classes ?—I should think that is a very fair figure.

15. *The Chairman* : There are all sorts of definitions suggested, but here definitely they speak of them as people whose touch is pollution to higher castes. Is it your view that that is the practical situation here ? What do you say about it, Sir Hari Singh Gour ?

Sir Hari Singh Gour : That is perfectly true, yes.

16. *The Chairman* : You have a situation rather like the situation in parts of Madras ?

Sir Hari Singh Gour : Yes.

17. *The Chairman* : We will not go into it now, because we shall have evidence about it. Now take the others, the nominated labour representatives. Has there ever been, in this province, any suggestion worked out for securing labour representation by any other means than nomination ?—There was a suggestion made in 1925 with regard to representation of the depressed classes and factory labourers in the legislative council and the Assembly, but this Government opposed it at that time.

18. Do you know why ?—The reason for opposing the representation of the depressed classes in the legislative council was that the Government considered in a letter dated the 27th June, 1925 : " To " create an electorate out of a class of this kind " is not at present a practicable proposition, for " unless the electorate were limited to a very small " number it would be of unmanageable proportions." That means that if you lowered the franchise to get any of them in you would get all of them in. And with regard to the representation of urban labourers it was said : " The electorate would be " greatly scattered, being located mainly in certain " towns. Except to a very slight degree in Nagpur, " no attempt has been made hitherto to form unions " among the workers. At their present stage of " development so scattered an electorate could not " exercise the franchise usefully." It was added that for some time to come their representation must be secured by nomination. Since that was written, considerable progress has been made in the constitution of trade unions, at any rate in Nagpur.

19. Nagpur is the principal industrial labour centre, is it ?—Yes, of the Central Provinces.

20. Do you think that with regard to the industrial workers, those who are in the best economic position, at any rate, some of them, or many of them, are qualified to vote in existing constituencies, or would the existing level of the franchise not come low enough to bring them in ?—The number of those qualified to vote in general constituencies is not very large at present, but certainly in Nagpur at the election of 1923, in which I was returning officer, they exercised a considerable influence in one constituency.

21. You mean as voters ?—Yes, there were large numbers of them.

22. If the view taken by the Conference was that there might be some reduction of the franchise, I do not say at all down to adult suffrage, but a reduction of some of the existing qualifications, that would tend to bring in a good many more of them ?—Yes.

23. Do you yourself think that as things are now, it would be possible to secure their representation by elected persons in any other way ? Do you think they could be made a separate constituency ?—My personal opinion is strongly opposed to it.

24. You think they should come in as a part of the general constituency ?—Yes.

25. You appear to regard the four nominated members who represent the depressed classes as being in some sense, together with the nominated representative of labour, labour representatives. Do you in fact regard those who are nominated as depressed class representatives as speaking in the name of labour ?—Yes, certainly ; all these four depressed class representatives may be regarded as representatives of labour. All of them are in fact interested in labour unions.

26. When the Government memorandum says (page 11, last sentence of paragraph 24*) : " Labour " is unrepresented," what it means is, apparently, that there is not any specific election of labour candidates as such ?—Yes, that must be the meaning of that.

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30. * * * As things stand, which is the lower qualification, the rural one or the urban one ?—The urban one brings in much larger numbers ; it is easier to attain. For instance, a tenant who is paying a rent of Rs. 40 would probably have a considerable bigger gross income than Rs. 200 per annum ; he would be a more substantial man.

31. In paragraph 26 on page 11* you point out that an analysis of these qualifications shows that

* Vol. XIII, Memorandum on the working of the Reformed Government in the Central Provinces and Berar.

the urban qualification " is a far lower qualification " than the rural qualification of payment of rent of " Rs. 40 or Rs. 50 " ?—That is so. Rs. 40 or Rs. 50 represents a considerably bigger *haisiyat* than the Rs. 200 per annum urban.

32. A matter the Conference might be glad to know is this. I am not indicating any view; all I wish to do is to find how it would work out. Would it be administratively and practically possible to lower these qualifications to some extent without creating difficulties ?—It would be perfectly simple. There would be no practical difficulties with regard to polling arrangements, compiling registers and so on.

33. These figures of Rs. 30, Rs. 50, Rs. 200 and so on were chosen, I suppose, when the present franchise was established because it was thought they would let in a reasonable number of people, but they have not any special practical value as compared with other figures ?—None at all, no.

34. We had a document sent to us which made a correction, and I want to call attention to it. It has to do with the percentage of citizens here who are enfranchised as things are, and is on page 10, paragraph 22.* The second sentence of that paragraph says: " The available statistics, however, " show that males account for almost exactly half " of the population, and males of 21 years and over " constitute half of the male population." That is very simple. " Certain approximately accurate com- " parisons can be drawn." You exclude special constituencies and take only the general ones, but I think you want these figures to be slightly corrected ?—Yes.

35. You say: " Six per cent. of the male popula- " tion of 21 years of age and over is enfranchised in " Berar, and 9 per cent. in the Central Provinces." I think that 9 per cent, is wrong; it should be 4·47 per cent. in the Central Provinces ?—Yes.

36. That is of the adult male population ?—Yes.

37. It is a very small percentage ?—It is. It is a very small electorate.

38. The Conference will have to consider that. As I follow it, when the next election comes along (whenever that is) women will be voting for the first time, will not they ?—Yes.

39. If a woman has a vote here, does she have it because she has the same qualifications in her own right as are required in the case of a man ?—Yes, the same qualifications as regards status.

40. I gather from a Table I have seen somewhere that people who are on the voting list come to the poll pretty freely. It is on page 19, paragraph 53.* You give figures there showing what percentage of the electors on the roll voted in contested elections ? —Yes. In 1923 it was 57·7 per cent., and in 1926, 61·9 per cent.

41. I do not see those actual figures there ?—That is for the whole province.

42. It is the average, is it ?—The total result.

43. I gather there is a larger percentage of the electors going to the poll now than there used to be ?—Considerably so, yes.

44. And the percentage, in the circumstances, is pretty good ?—Yes.

45. Is that limited to constituencies where there was a contest ?—Yes. Those figures are only for constituencies in which there was a contest.

46. Let us turn back to paragraph 37* for a moment. The thing is done in different ways in different parts of India. Of course, you must obviously at some point put the small towns into the rural constituency. What is the rule here ? When does an area cease to be an urban area and fall into the general rural area for a constituency ?— When the Reforms were introduced, practically everything that could be called a town was put into the urban constituencies.

47. Then do you group a number of towns together ?—Yes, sometimes in different parts of the province altogether.

48. Coming to the special constituencies, take Nagpur University ?—That has one member.

49. I should like you to tell me this. It is a question we have asked in other parts of India and I need hardly say I am not making any personal reference. On the whole, do you consider that university representation secures a type of member that is different, perhaps, from the type generally returned by general constituencies ?—The present member for Nagpur University is a practising pleader from Jubbulpore. I do not think he can be said to differ from the ordinary practising pleader.

Sir Hari Singh Gour: No.

50. *The Chairman*: Is the electorate of the university an electorate of graduates or of members of the senate ?

Sir Hari Singh Gour: Graduates.

Dr. Suhrawardy: Excluding the senators ?

51. *The Chairman*: If the members of the senate were graduates they would have a vote as graduates ? —Yes.

Sir Hari Singh Gour: The electors are graduates of so many years' standing, who pay a certain amount of money to have their names registered.

Dr. Suhrawardy: In our university, senators as well as graduates have a vote.

52. *The Chairman*: But you do not think that is so here ?

Sir Hari Singh Gour: I do not think so, but I am not sure.

53. *The Chairman*: " Enrolment in the register " of graduates in the Nagpur University " is given as the qualification, but in Calcutta if you are on the senate you have a vote whether you are a graduate or not.

Dr. Suhrawardy: That is so.

54. *The Chairman*: Then you have some special constituencies for landholders, have not you ? Two for the Central Provinces and one for Berar ?—Yes.

55. What is the justification for that ?—To secure the representation of a class which certainly would not come in otherwise—the big landowners, who would not face the hustings in an ordinary constituency but will stand in a small constituency of landowners.

56. I notice the second sentence in paragraph 64* says: " Every one of the three landholders' consti- " tuencies returns a pleader " ?—Yes.

57. Is he a big landowner as well ?—A considerable landowner, I believe.

58. Now I want to know this, which is a special thing in this province and is important. Just tell us in your own way how matters stand in regard to Berar, both as regards its situation and its government. The position is very curious. How many members does it return ?—Berar returns seventeen members to the council.

59. And they take part in all the discussion and legislative work of the council ?—Yes.

60. But when they have assisted to pass the laws, do those laws apply to Berar ?—Only when applied to Berar under the orders of the Governor-General in Council made under the Foreign Jurisdiction Order in Council of 1902. Berar is entirely governed by that.

61. Orders in Council made under the Foreign Jurisdiction Act, I suppose ?—All legislation for Berar and all Acts that apply to Berar have to be passed by the Governor-General in Council under that Order.

62. How does it work out in practice ? After all, these gentlemen from Berar are taking part in framing legislation. I am not interested in machinery by which it reaches Berar, but is the legislation which they frame in fact applied to Berar ? —The practice has been that when the Central Provinces Council (which includes the members from Berar) passes an Act which applies to the Central Provinces, it is subsequently applied to Berar, with any modifications thought necessary, by the

* Vol. XIII, Memorandum on the working of the Reformed Government in the Central Provinces and Berar.

Governor-General in Council under the Foreign Jurisdiction Order.

63. Then, as I follow it, these seventeen members who are elected from Berar, besides being members of the legislative council sitting here in Nagpur, also form a sort of Berar Committee ?—Yes.

64. You had better tell the Conference, I think, a little about that.—It was originally proposed to form the Berar Committee in 1915 before the Reforms were instituted, in order to make Government aware of public opinion as regards government measures.

65. I might remind the members of the Conference that it is to be found on page 74* of this book. Is the Committee purely advisory, then ?—Yes. When we sent up proposals in 1915 the Government of India insisted on that point, and there was some correspondence about it, and the matter was eventually dropped.

66. Insisted upon what ?—Insisted upon the purely advisory nature of the Committee.

67. The Government of India took up this position, and still does, as I gather. They said : " It is for us, " the Governor General in Council at Delhi, to apply " to this piece of non-British territory under the " Foreign Jurisdiction Act such laws as we think " ought to be applied, and therefore, if there is going " to be a Berar Committee, it can only act as an " adviser ; it cannot act as a legislative body." That must have been the principle ?—That is so. Rule 10 of the Berar Legislation Rules makes that clear.

68. The idea of having a Committee was dropped, but in 1923 it was set up ?—Yes, we revived the project. The Government of India accepted it on the understanding that it was made very clear that the Committee was merely advisory, and in no way would it fetter the jurisdiction of the Governor General in Council.

69. What one likes to understand is what happens in practice. In practice, can you tell us whether the advice of the Berar Legislative Committee is found, as a rule, to agree with the view which the Governor General in Council takes ?—Not necessarily so. There were considerable differences of opinion, for instance, over the Berar Land Revenue Code, which has just been put through, and the Government of India objected to a good many things that the Berar Committee insisted on ; but the opinion of Government is that it performs a very useful function, and wherever possible its advice is taken. It keeps Government in touch with the trend of popular thought.

70. I think my colleagues will agree it is a very odd arrangement.—It has been forced upon us, unfortunately, and we cannot get over it.

71. If I imagine myself as one of the members for the constituency of Berar, the position is that I have got my constituents ; they have elected me. So far as my legislative contribution goes, I am making laws not for Berar but for the Central Provinces. If those laws are applied to my own constituency, it is not because I persuaded the Central Provinces Council to apply them, but because the Governor General in Council thinks they ought to be applied ; and where I come in is that I am one of a body that acts as an advisory body, with no legislative power over the people it represents ? That is the position, is it not ?

Sir Hari Singh Gour : Exactly.

72. *The Chairman* : Well, I want a little information about it, and no doubt others do. My friend Sir Hari Singh Gour knows the thing locally, and he will contribute. Do you think, upon the whole, that it is a scheme which works satisfactorily as far as you are concerned, or from any authority you may have to speak about it ? Are you suggesting that it should be preserved, or that it should be changed ?—I think from every point of view, except the point of view of Berar's peculiar political position, it is inconvenient. Financially it has landed us in great difficulties, and administratively we all regret it. The honourable the Home Member, who is from Berar himself, will bear witness to the fact that the Beraris wanted to come into British India, and it was only the Government of India's treaty obligations that forced them out of it.

73. Whatever be the function of the Conference, it is no part of the Conference's duty to turn something that is not British India into British India ?—No.

Sir Hari Singh Gour : That feeling is gone. The feeling in 1905 was strongly expressed to the Government of India, but they would not accept it.

74. *The Chairman* : What do you mean ; that the feeling went the other way ?

Sir Hari Singh Gour : The feeling then was that on account of the maladministration of Berar under the Nizam—there was a good deal of corruption—they wanted to be annexed with the Central Provinces or with Bombay as part of British India. Now they do not want to be tacked on to the Central Provinces ; they want to have some sort of provincial autonomy for themselves.

75. *Colonel Lane-Fox* : May I ask one question ? Where would the objection come from ? Would it be from the Nizam ?

Sir Hari Singh Gour : Yes, from the Nizam. * * *

The Chairman : The main fact is that Berar is not British India.

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76. *Mr. Hartshorn* : May I ask * * * a question as to this Legislative Committee and these seventeen non-official members. Are they elected in Berar to seats on the legislative council ?—Well, actually, legally, they are nominated to the legislative council. They are elected first of all, and the Governor nominates them to the Central Provinces legislative council.

77. I rather gathered that that was the position.—That is the actual position.

78. But in what way are they elected, and to what are they elected, before they become nominated by the Governor to the legislative council ?—It is all explained in the Berar Electoral Rules.

Sir Hari Singh Gour : They have the same sort of constituencies as we have in the Central Provinces.

79. *Colonel Lane-Fox* : They are elected for nomination ?

Sir Hari Singh Gour : They are nominated to get over the technical difficulty. The Government has no option but to nominate them. The Government cannot refuse to nominate them. The same case applies to the Legislative Assembly.

80. *Mr. Hartshorn* : I do not quite understand what the difficulty is. If an election takes place and the Governor has no option but to accept the result of that election, why should not the election be direct for the council ?

The Chairman : Mr. Hartshorn's point—and I share his difficulty, though I can imagine what the answer is which Sir Sankaran Nair proposes to give—is this : why go through the stage of nominating people who have been elected ?

Sir Hari Singh Gour : For the simple reason that the election can only be with reference to a constitution provided for British India, and Berar is not British India.

81. *The Chairman* : That, I suppose, is the point, is it not, Sir Sankaran ?

Sir Sankaran Nair : Yes. Have you not got those papers connected with the Beraris ?

Sir Hari Singh Gour : The Government of India Act applies only to British India. The legislative councils have been installed under the provisions of the Government of India Act, which applies only to British India. Therefore it does not apply to Berar.

82. *Mr. Hartshorn* : How does it come about that the Government have no option but to nominate these people ?

* Vol. XIII, Memorandum on the working of the Reformed Government in the Central Provinces and Berar.

Sir Hari Singh Gour: By an order.

Sir Sankaran Nair: They have the option, but as a rule the elected men are nominated. They have bound themselves to nominate them.

The Witness: In the Berar Electoral Rules it says: "The persons elected to be nominated to the Council "shall be elected by constituencies."

The Chairman: This is it, Mr. Hartshorn. It is a matter of form. One can see that there is some constitutional ground for it. One can see, perhaps, that there may be a difficulty in constituting what is, after all, a British assembly out of persons who are elected for areas which are not British territory. That is, of course, a constitutional difficulty. Then they got over it in this way. Here is the Electoral Rule: "Composition of the Legislative Council. The "legislative council of the Central Provinces shall "consist of 38 elected members." Those people will all be elected for British territory. "Such "number of members nominated by the governor as "shall, with the addition of the members of the "legislative council, amount to 35; and of the "members so nominated 17 shall be persons nomi- "nated as the result of elections held in Berar." That is the idea. It is very curious.

Sir Arthur Froom: They are elected to a committee first, and those elected to the committees are nominated?

The Chairman: No, I do not understand so. I understand that there is an election held, and the result declared by a returning officer. It would be rather difficult to say that as a result of that operation which has taken place on non-British soil by the votes of non-British subjects, this gentleman is an elected member of a British legislature. So you say "No, but I will make him a nominated member," It is formal. Is that the point?

Mr. Hartshorn: Yes. I wanted an explanation of it.

83. *The Chairman*: I was going to ask you about backward tracts, Mr. Gowan, which you refer to at the top of page 7*: "The following areas in the "province have been declared backward tracts under "section 52A (2) of the Government of India Act." We are familiar with that section; we have had it in many parts of our travels; but there is nothing in this book that I can see to tell me whether there is any justification for calling them backward tracts. Why are they backward? What is the matter with them?—As a matter of fact, they are no more backward than many other parts of the province, and we do not wish now to differentiate them in any way from other parts of the province. They consist simply of two tahsils, or rather of a tahsil and a taluk, and certain zamindaris which were scheduled under the Scheduled Districts Act. The Local Self-Government Act has since been applied to them.

84. Does that mean this, that if they get self-government here, the Government of the Central Provinces consider that these areas are areas to which the franchise might be extended and that they might be constituted into constituencies?—Certainly. We do not wish now to make any exception.

85. *Mr. Cadogan*: When the Mandla district was given the full Reforms in 1926, what was the process of its coming within the Reforms? Where did the initiative come from?—The people of the district themselves petitioned to be given the franchise.

86. *The Chairman*: So it comes to this, that the view of the Government, as expressed by yourself, is that the time has come to get away from the relegation of these areas as backward tracts, and that they might all be thrown into the Central Provinces for election purposes, just as much as for anything else? —Yes. The Melghat taluk is the only one that has not got the local self-government franchise, and proposals are now before the Government for giving it.

87. Is there any opinion the other way, as far as you know?—As far as we know there is no opinion against it at all.

The Chairman: That is all I will ask you at the moment. It may be we will take up one or two other things later.

88. *Mr. Hartshorn*: I understood you to say that if it were decided to increase the electorate in this province, there is no serious practical difficulty in creating a machine for dealing with a larger electorate?—No, no practical difficulty, within limits, of course.

89. Would you say that in relation to adult suffrage?—Oh, adult suffrage is not a practical proposition.

90. It is not practicable in what sense?—Neither from the point of view of running the elections nor from that of the educational condition of the adults.

91. I am not asking on the question of policy. I was just asking whether, assuming it were decided that adult suffrage should be adopted, are there any practical difficulties from the standpoint of creating a machine for dealing with it?—It would be extremely difficult, purely from the administrative point of view.

92. I think you have the smallest percentage of electors in any province in India?—I dare say. I could not be certain. The percentage of literacy is not very high.

93. You have about 4½ per cent. of your adult male population on the register. Suppose that were quadrupled, and made 18 per cent. of your adult male population, would there be any difficulty in the way of dealing with an electorate of that dimension? —We could manage it. It is a question of degree, of course, and I should think by the time we get our electorate quadrupled we should have considerable difficulties; but I could only answer definitely of course, from the test of experience. With our present electorate, I was myself returning officer in a large constituency, Nagpur, and there was no particular difficulty; but on the other hand it needed very careful arrangements, and I should think if the electorate was quadrupled we might come up against considerable difficulties.

94. You call attention on page 2* to the fact that what is developing at present is really an oligarchy of the upper castes, resulting in the political suppression of the depressed classes and aboriginal tribes, and you give figures showing that while the Brahmins amount to 2·9 per cent. of the population they have roughly 31 per cent. of the seats in the council?—Yes.

95. You have told us that certain persons are nominated to represent the depressed and the labouring classes. We have had documents sent to us from the non-Brahmins and from the depressed classes, and I find in those documents that Brahmin lawyers and Brahmin liberal politicians are nominated to represent these people. Is that a correct statement, that it is from this class that you draw your nominees to represent the depressed classes?—The nominee for the urban factory labourers is, as a matter of fact, a Brahmin lawyer. He was nominated because he has taken a great deal of interest in the work of creating unions and in labour problems in general. He is a man who has done a great deal of public work of that sort. The nominees of the depressed classes, on the other hand, are all members of the depressed classes themselves.

Mr. Hartshorn: I would not gather that from their document.

96. *The Chairman*: That is right, is it?—I can personally vouch for the fact that the four present representatives of the depressed classes are themselves members of the depressed classes.

Rao Bahadur Rajah: It was in Madras that a Brahmin was nominated.

Mr. Hartshorn: I am reading from the document we shall be dealing with to-morrow.

97. *The Chairman*: You say these four men are actually members of the depressed classes themselves? —Yes. Their names are given in the Civil List.

* Vol XIII, Memorandum on the working of the Reformed Government in the Central Provinces and Berar.

(*Reads names.*) They are all themselves members of the depressed classes.

98. *Sir Hari Singh Gour* : I think Mr. Hartshorn is referring to the labour representative ?—He is a young Brahmin lawyer who has done a great deal of public work.

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100. You told the Chairman, when he asked you what justification there was for having a special constituency for landholders, that unless they came in in that way the big landowners would not be represented ?—The statement in paragraph 64 does not mean that they represent the big landowning class at all. None of them is a large landowner. I do not know a member of the council who is a really large landowner, except the actual representatives of the landowners.

101. We are told that everywhere, but if you look at page 15, paragraph 41,* you will see this : " Amongst landed proprietors it is rare to find one " forthcoming who is not a substantial landowner." We are told in one part of this book that a majority of the members of the councils are landowners and we are told in another part that when landowners do come forward they are substantial landowners, and that it is a rare thing to find any other type coming forward ?—That reference in paragraph 41 must be to the landholders' constituency. All these sentences you have quoted are generalisations, which it is a little difficult to put into concrete form. The actual position is that the representatives of the special landholders' constituencies belong to a different class of landowner from that of the other people who are also landowners ; they are all big men.

102. But can you tell me how many members of the present legislative council are on the electoral roll of the three landholders' constituencies ?—I could not tell you that off-hand.

103. I suppose that information could be obtained for us ?—By personal enquiry, yes.

104. It would be interesting to know, because we have ascertained it in some places and we have found that three or four times the number of those who are entitled to stand for the special landholders' constituencies have been elected for general constituencies. We want to know to what extent that is the case here ?—I can get you the figures, but I cannot tell you off-hand.

105. I should like to have them, if you will get them, please.—Certainly.

106. *Lord Strathcona* : There are two questions I should like to ask on the subject of election expenses, which is dealt with on page 21, paragraph 60,* where you give some very interesting facts and figures in regard to this matter. It is first of all stated that the candidate who spends the most usually wins the day, and then it is said that the normal figure for a rural constituency is between Rs. 1 and Rs. 2 per vote. Has it ever been considered in this province whether it would be possible or advisable to lay down a standard rate for election expenses ?—I do not think that has ever been considered.

107. A little further down the page I read : " As " expenditure grows higher the proportion spent on " agents and canvassers increases." Does that mean it is recognised as valid that money can be spent in paying for canvassers ?—I think so. As far as I know, there is nothing in the law to prevent them paying canvassers.

108. *Mr. Hartshorn* : It is not an illegal practlce ? —I do not think so.

Lord Strathcona : I do not think we have ever had such a definite statement before, that money is—and is allowed to be—spent on canvassers.

The Chairman : It is a very short step from paying money to a man to convass to giving him money to canvass with.

Lord Strathcona : That is exactly what I thought.

109. *The Chairman* : Do you think that happens ? —My own experience in elections out here has been that the expenses are extraordinarily small, and I have never come across anything in the way of objectionable practices.

The Chairman : You would not, perhaps.

110. *Lord Strathcona* : It seems a lot of money to spend, Rs. 1,017 for 37 votes ?—That was for a very scattered constituency.

Lord Strathcona : As far as I know, we have not come across a suggestion that canvassers were paid before.

111. *Colonel Lane-Fox* : I should like to carry that a little further. I see on page 19* you say there is no evidence of corrupt practices. In that case you contrast very favourably with other provinces in India. Of course, elections are a new thing here ?—We are backward here.

112. You are the first province which has said definitely that there is no corruption ?—As I say, we are backward ; we have not got as far as that yet. As far as I know, it has never been asserted after elections in the Central Provinces that there has been any marked amount of undesirable practices.

113. I hope you will not progress in that direction ! I notice you speak about the difficulty of getting electors to come to the poll. That, of course, is a difficulty we meet with in England also. I see you say on page 18* that " exhortation or influence is " required." You do not suggest by that pecuniary influence ?—No, but, for instance, the influence of the landlord over his tenants.

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119. *Colonel Lane-Fox* : I do not know why in this particular province so little use seems to have been made of the opportunities given by the Reforms. For five years you had no ministers at all. Why is it that this province should be so much more backward in that respect than all the other provinces ?—In the second council it was because of the predominance of the Swaraj party. Since then, in the third council, personally I consider that there has been a very marked advance. I do not know whether I am correct in saying so, but I think we were very nearly the first province to put into practice the principle of joint responsibility of ministers and of ministers resigning when a vote of no confidence was passed against them. That is in the third council.

120. You said that it was because of the Swarajist predominance so little use was made of the opportunities given by the Reforms ?—In the second council it was entirely because the Swarajists were well organised. In the 1923 elections, immediately after the non-co-operation movement they more or less swept the polls.

121. *Mr. Cadogan* : On page 132* you refer to the demand for the abolition of Commissioners, and on page 133* you say : " Although non-official opinion " is almost solid against the retention of Commis- " sioners, there is in the present council some recog- " nition of the fact that the large number of junior " officers in charge of districts does afford some " justification for supervision by a more experienced " officer." Why is there this large number of junior officers in charge of districts ?—It is rather a long tale. It is due to the way in which our cadre is constituted. Our cadre of the Indian Civil Service contains at present only provision for four posts under the Government of India, that is, superior posts, and we can only recruit against four posts. At the present moment I think we have got twelve officers away with the Government of India, who are simply a dead loss to us. So we are short of men ; and this coming hot weather, with a considerable number of men away on leave, we are going to have probably five members of the provincial service in charge of districts in excess of the sanctioned number of listed posts. We shall have very nearly half the number of districts in charge of provincial service men. Our

* Vol. XIII, Memorandum on the working of the Reformed Government in the Central Provinces and Berar.

difficulty starts with the very large number of men we have got with the Government of India and with other absences from the cadre. We are extremely short of men.

122. Another question I want to ask you is this. You call attention to criticism in the council of the activities of district officers, and you say: " it is " impossible to gauge accurately the repercussion on " district administration." You rather seem to indicate that this criticism of the council has no detrimental reaction. You lower down say: " In the collection " of land revenue little effect can be seen. The use " of coercive processes is frequently queried in the " council, but has not formed the subject of general " debate nor has the district administration been " hampered by organised political agitation in this " respect." So the district does not seem to be detrimentally affected by criticism in the council ?—I should not say that on the whole district administration has been weakened by criticism in the council. On the other hand I should say that the necessity for keeping in mind the possibility of that criticism has had in certain ways a very good effect on district officers. But one cannot be certain how far that sentence (" nor has the district administration been " hampered by organised political agitation in this " respect ") will be true later on. There has been a certain tendency lately to criticise, to force the hands of the government in connection with the crop failure.

123. You have no official chairmen of district boards ?—No. We have done away with that a long time ago in all local bodies—municipalities and district boards.

124. *Sir Hari Singh Gour*: I want to know, from the administrative point of view how does the Sim Formula work ?—The Sim Formula originated from the fact that the Beraris claimed that owing to their position in the province the revenues of Berar should practically be spent in Berar. That claim was accepted by the government of Sir Frank Sly, and a committee was appointed, presided over by Mr. Sim, to work out the solution of the difficulty. The solution arrived at was that first of all, an estimate was made of the respective normal revenues of the Central Provinces and Berar. That worked out roughly at about 3 to 2 (60 to 40 per cent.). Then the expenditure was taken. All expenditure which could be classed as being for the joint benefit of the two provinces, such as expenditure on the Agricultural college at Nagpur, on the Science college, and on the offices of heads of departments was put down as central, and a formula was adopted that the remaining expenditure should be classed as divisible and divided between the Central Provinces and Berar in the proportion of 3 to 2, subject to certain exceptions. One of the exceptions was expenditure in connection with serious calamities, and another was, I think, expenditure in connection with work of a humanitarian nature. Subject to those exceptions—I do not remember them all—the divisible expenditure was to be proportioned in the ratio of 60 to 40. We have not been able to work up to that, but as a matter of fact I think the last budget worked out in the proportion of 62 to 38.

125. Do you think that it is conducive to your administrative efficiency, this working of the formula of 60 to 40 ?—It is unsound in principle to allocate in a joint administration revenues to the richer part in proportion to its richness, and in actual practice my own personal view is that it hampers development in the Central Provinces.

126. Do you not think that much of the friction in the legislative council between the Beraris and the Central Provinces members is on this account ?—There has been a good deal of friction on this account.

127. The Beraris complain that the Central Provinces was taking away their money ?—I do not want to express any opinion about the policy of the arrangement.

128. *Sir Hari Singh Gour*: I do not want you to express any opinion. I just want to give the historical retrospect.—Those are the facts.

129. Now, the Chairman pointed out to you that you have this anomaly in the Central Provinces. You have 17 members from Berar allotted for Berar constituencies *prima facie* and presumably for the purpose of safeguarding the interests of their constituencies in Berar, and the only thing that they do is to influence and force, sometimes against the wishes of the other groups in the local council, legislation affecting the Central Provinces ?—That is the constitutional position.

130. So far as Berar is concerned, they cannot influence the legislature in the manner in which the Central Provinces members of the legislature are expected to influence the local legislature; that is to say, they represent their constituencies, whereas the Berar people really represent their constituencies only in this sense, that so far as legislation is concerned they can advise ?—Yes.

Sir Hari Singh Gour: So far as the Central Provinces are concerned, they can throw out the budget, they can vote on demands, etc. So far as Berar is concerned, if you divide the work of a member of the legislature, we will say into legislative and administrative, in matters of legislation their power is purely advisory and in matters of day to day administrative details it is recommendatory. That is the anomaly I am referring to.

The Chairman: There will be this to add, that since the legislative council is the body that votes grants from funds which include the Berar contribution it is natural that there should be people who come from Berar to take part in the Council.

Sir Hari Singh Gour: The Central Provinces legislative council does not vote for Berar the 25 lakhs. That is voted by the Legislative Assembly from the central funds every year. So they have really no interest in that amount.

131. *The Chairman*: What I was meaning is this: Under Devolution rule 14 (2) " the revenues of Berar " shall be allocated to the local Government of the " Central Provinces as a source of provincial revenue." Is that not so ?—That is so.

132. *Sir Hari Singh Gour*: They come not as provincial revenue; they come earmarked.

The Witness: The actual way in which the thing works is like this. All revenues go to a joint fund, and that forms the fund which the Finance department has to dispose of for the year. In disposing of that fund first of all we take out all central and non-divisible expenditure, and the balance is allocated between the Central Provinces and Berar.

133. *The Chairman*: Take an example. If there is a school in Berar or a road which is going to be maintained out of some fund other than the funds of the districts, it will be maintained, will it not, by funds which come from the provincial revenues, and the provincial revenues will include the Berar contribution ?—Yes.

134. Therefore it is not quite unreasonable to say that Beraris should have something to say about the voting of money from that fund ?—Oh, yes. It is the other arrangement which is wrong.

The Chairman: It is quite wrong in principle to say where one country is poor and the other is rich that they are to have money spent in the exact proportion. The poorer country is likely to want the most.

135. *Sir Hari Singh Gour*: That is what I am making out. There are 22 districts and each district has a certain revenue, and what would happen if each district were to say that it is not going to allow its money to be spent outside. Then, as regards the Berar Legislative Committee, you sometimes find the Government of India refusing to conform to the recommendations of the Berar Legislative Committee in matters of legislation. Has it been very often ?—I could not tell you personally. Paragraph 214* deals with it.

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* Vol. XIII, Memorandum on the working of the Reformed Government in the Central Provinces and Berar.

136. Is it not a fact that there has been a very strong tendency disclosed in the discussions in the legislative council that the members here wanted a permanent settlement, or at any rate a long term settlement, and under that pressure of the legislative council which was sometimes exercised in the direction of giving them a permanent settlement and sometimes in the direction of a long term settlement, your Government had to grant them a settlement for thirty years ?—Yes.

137. You think that the concession of thirty years settlement would be commensurate with the normal growth of agricultural revenue in the Central Provinces in the next thirty years ?—It is not possible to say that. One must be very cautious in dealing with price fluctuations. For instance, the basic price on which I worked as a settlement officer had actually doubled before I had finished my settlement, and what we considered the famine price of grain 25 years ago is now half the normal price.

138. *The Chairman* : Sir Hari, will you tell me this ; I follow that there is a limitation as regards the time, but is there a limitation as to the percentage of enhancement ?

Sir Hari Singh Gour : Yes, that is what I am asking Mr. Gowan. It is normally fixed for thirty years, but there is a limitation as regards the percentage.

The Witness : It is not in my province to answer that definitely, but the enhancement is, I think, 75 per cent, on individual holdings and 33 per cent. on what we call groups of villages. You can impose a very much higher maximum for individual holdings because they may be held on a light rent for one reason or another ; for a group you must have your maximum very much lower.

139. *Sir Hari Singh Gour* : So that the thirty years' settlement operates in two ways against the public revenue, first as regards the limitation as to time, and secondly as regards the limit placed on enhancement ?—Yes.

140. How many landholders are there in your council altogether apart from the fact that there may be some who may be nominated ?—As I have already said, it is very difficult to say.

141. But judging from the discussion that takes place in the council, is it not a fact that the landholders' interests may be made common cause of by the group system prevailing in your place between the Central Provinces and Berar groups with the result that both combine to safeguard the interest of the landholding classes ?—Theoretically the thirty years settlement benefits the tenants much more than the landholders, but in practice the landholders also have an interest in the long term settlement. Ordinarily the landholder pays 50 per cent. of the sanctioned assets as land revenue, and it is to his interest therefore to have those revised after a short term, in order to increase his own share. But he likes the thirty years settlement because under it he pays the land revenue and squeezes out as much as possible in the shape of *nazarana* from his tenants and keeps the whole of it for himself.

142. The position then is that the landlord says, " You give me thirty years settlement, and *nazarana* being a tribute, a present, I will keep on rackrenting my tenants and take from them whatever I can screw out from them during the next thirty years, and you shall not take anything out of it." The position therefore is unfair to the tenant in that sense ?—*Nazarana* simply represents the difference between the sanctioned Government rent and the economic rent.

143. The result of this system is that it makes an otherwise elastic revenue comparatively inelastic ?—Certainly, the length in the term of settlement coupled with the severe limitation on enhancement is bound to make the revenue less elastic.

144. Have you got other sources of revenue ? For instance, you have not been so much affected by the Meston Settlement as other provinces have been. Have you got other means of supplementing your revenue for the purpose of education and progress in the general development of the country for the next ten or fifteen years ?—I think probably the Finance Secretary will be able to give you all the up-to-date information on the subject.

145. My friend, Rajah Nawab Ali, would like to know whether the taking of *nazarana* is not illegal here ?—It is not.

146. As regards the constituencies in the Central Provinces for the local legislative council, do you not think that they are too large ?—There have been very few complaints about our constituencies, and there has been no particular demand for any change in the present arrangements.

147. What about the constituencies for the Legislative Assembly ? Take, for instance, the Hindustani constituency which comprises 13 districts with something like 400 polling stations. Is that not too large ?—That may be so, but as regards the constituencies for the council, they are more or less suitable.

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156. *Sardar Shivdev Singh Uberoi* : I might invite your attention to page 90*, where a schedule of communal riots is given. It is noticeable from that statement that before the Reforms from 1889 to 1905 there had been only one such riot, and from 1905 onwards up to 1921 there had been about 9 ; from 1921 onwards, that is since the inauguration of the Reforms, there have been about 25 riots. May I know whether the Reforms have any relation with such an enormous increase in the number of communal riots, or whether they are due to some other causes ?—That is a difficult question to answer. Here we were very largely affected by the wave of communal disorder which spread all over India. The trouble started here in 1924, but I should hesitate to make a definite assertion that it had any connection with the introduction of the Reforms ; it is impossible to say. We all know the strength of the wave of communal disorder which spread over the whole of India in 1924.

157. *Dr. Suhrawardy* : Am I right in concluding that the 17 technically nominated members from Berar are ineligible to become ministers ?—No ; Mr. Ram Rao Deshmukh from Berar was a minister.

158. Was he a nominated member from Berar ?—Yes, nominated in the technical sense.

Sir Hari Singh Gour : They are not disqualified from becoming ministers.

159. *Dr. Suhrawardy* : Then the Muhammadan members from Berar also are equally eligible ?—Yes ; every member of the council is eligible to become a minister.

160. *The Chairman* : I should like to follow this. Dr. Suhrawardy, your point seems to be this, whether there is something in the Government of India Act which provides that ministers must be either actually elected, or elected within six months, and, is the section so framed—I suppose it is—as to cover the case of a man who is nominated to be a member of the council because he has been elected in Berar ?

Dr. Suhrawardy : Yes.

161. *The Chairman* : I have got the section. It is section 52 ; it says : " The Governor of a Governor's " province may, by notification, appoint ministers, " not being members of his executive council or " other officials, to administer transferred subjects," and so on, and " No minister shall hold office for a " longer period than six months, unless he is or " becomes an elected member of the local legis- " lature." And Dr. Suhrawardy's point, as I understood it, was, can you describe a gentleman who is nominated to be a member of the council because he was elected by a Berar constituency as an elected member of the local legislature ?—Oh, yes ; in practice we do. I have never heard that point raised so far.

162. *Sir Hari Singh Gour* : At page 143 of the first volume* we find it stated : " A proposal to

* Vol. XIII.

" establish a Chief Court for the province in place of " the Court of the Judicial Commissioner has recently " been sanctioned by the Government of India. The " change will involve legislation in the local legis- " lative council. There is a strong body of non- " official opinion in favour of the establishment of " a High Court instead of a Chief Court, so the out- " come of the pending legislation is at present un- " certain." Will you kindly bring that paragraph up to date ?—What happened was that when a Bill was placed before the legislative council it was rejected by all shades of opinion and it was generally said that what the province wanted and should have was a High Court. We have now formulated our proposals, which have been sent up to the Government of India, for the formation of a High Court, which of course implies the raising of the status of the province. We have recently had an answer from the Government of India which says that we must await the general constitutional changes that are to take place. The point stressed by this Government is that as the Government of India Act is framed at present, the raising of the status of the province involves a change in the Act, and therefore the time when the Act is in the melting pot is the time for such legislation as we desire being brought about.

163. *The Chairman* : I have forgotten. Which is the section which raises that point ?—It is schedule II and section 85 of the Act. The raising of the province to the status of a major province implies the raising of the salary of the Governor and the members of the executive council above that which is at present laid down as the maximum for the Central Provinces.

164. What has that to do with your having your own High Court ?—The salary which would be paid to the Chief Justice and to the Judges of the High Court would be considerably above that which is at present paid to the Judicial Commissioner and the Additional Judicial Commissioners, and so the salaries of the executive side of the Government would have to be raised because it would be impossible to pay the judiciary on a markedly higher scale of pay than the executive government.

Sir Hari Singh Gour : The point I was making is in section 113 : " His Majesty may, if he sees fit, " by letters patent, establish a high court of judica- " ture in any territory in British India, whether or " not included within the limits of the local juris- " diction of another high court. . . ."

165. *The Chairman* : The point is that there is nothing in the Government of India Act which makes it, in express terms, impossible, but it is a matter of practical working that you could not expect a High Court to be established here unless the salaries referred to in the Second Schedule are raised ?—That is the position. We want a permissive and enabling section.

166. Take the second volume which contains Appendices. I am rather intrigued with Appendix XI on page 78.* It is a statement showing the details of the reductions made by the Council under the reserved demands and the amounts subsequently certified by His Excellency the Governor. It would almost look from this Appendix that there is a regular and an almost constant practice in this province of rejecting or cutting down the reserved demands by the legislature and for the Governor to come in and, by using his special powers, contrary to the vote of the legislature, to restore it. Has it become a habit ?—In some cases, as for instance, in the case of the Commissioners, it has become a habit.

167. The figures are rather striking. Take the total. In 1921–22, on the reserved side, the reduction, that is to say, the reduction, I suppose, of grants put before the council, amounted to 2 lakhs, is it not ?—Yes, 2 lakhs 89 thousand.

168. Yes, including such things as the salary of the Deputy President and construction of irrigation works, and apparently Rs. 28,000 was subsequently certified. I do not know what happened to the Deputy President's salary. Did he get any ?—No ; he went without it.

169. That is in the first year. In 1922–23 the total reduction was 8 lakhs including the total demand under Jails ?—The total demand under Jails is not Rs. 15,000 ; it is a mistake ; it must be one item.

170. Anyhow 8 lakhs was rejected and 4 lakhs was restored by the Governor. In 1923–24 the reduction was 2 lakhs and 1 lakh 36 thousand was restored, and in 1924–25 nearly all was restored ?—The 1924 cut was after the 1923 election when the Swaraj Party had come in ; they objected to the whole budget.

171. *The Chairman* : The exceptional powers have almost tended to become usual. In 1925–26, 9 lakhs were rejected and 8 lakhs were restored. In 1926–27 the total demand under Land Revenue and the total demand under Stamps, in all 29 lakhs, was rejected.

Colonel Lane-Fox : That was the year in which you said there was considerable improvement ?

The Witness : There were special reasons for the rejection of certain demands, and these are explained in the appendices to the memorandum.

172. *The Chairman* : Are we to understand that the reforms were worked on the principle that it is a normal and natural thing that the demand put forward by the reserved departments should be rejected in great quantity and the Governor should restore it ?—At present, under the reserved departments large rejections are more or less normal.

173. More or less normal ?—As a matter of fact, they are getting very much better now, as the convention of token cuts is becoming established.

174. Now we will take 1927–28 ; they cover nearly two pages. In 1927–28—one of the improvement years—the reduction was 15 lakhs. Let us take the last in the whole list, the year in which the improvement reached its highest pitch—Special Armed Police Force. The amount provided under this head, viz., 51,359, had to be certified. It looks as though it has almost become an understanding here that everybody must be allowed to reject a lot of things which everybody knows are necessary because the Governor would certify the amount. That is not responsible government ?—No. The council is always apt to attack the police grant. That particular cut is explained in paragraph 5 on page 111 of the Appendix.*

175. I suppose I am right that every one of these cases where the legislative council while exercising its deliberate judgment has rejected the grants is a case where the grants were restored by the Governor as essential to the discharge of his responsibility for the department ?—Yes, sir.

176. Does that mean that in the view of the Governor it has been the habitual practice in this province that the legislature rejected a grant because it knew that the money would be certified by the Governor as essential to the discharge of his responsibility ?—Yes. But recently they are getting more and more to respect the convention of the token cut. In the budget session which has just concluded there were many more token cuts than wholesale cuts.

177. Why do they do it, Mr. Gowan ?—I think they are now getting to learn. I think it can safely be said that the sense of responsibility as regards these matters is developing.

178. *Colonel Lane-Fox* : Is it because this province is more backward than all other provinces ?—As regards these cuts ?

179. Yes ; as regards the working of responsible government ?—That is rather a difficult question to answer ; I cannot say anything against my own province.

180. *Sir Arthur Froom* : Is it not a fact that the district boards in Berar are more efficiently worked than the district councils in the Central Provinces ?—I should not say that. We have had recently a particularly bad instance in Berar, where the management of one of the biggest municipalities had to be

* Vol. XIII, Appendices to Vol. I, p. 78.

taken over by the Government. I should think it is much of a muchness.

181. Is not Berar wealthy ?—It is much more wealthy than the Central Provinces.

182. Is Berar taxed more heavily than the Central Provinces ?—I should think that the *per capita* taxation is higher in Berar than in the Central Provinces.

183. I think the district boards in Berar charge a cess of 2 annas ?—Yes, that is the education cess. To the best of my recollection they have no such cess in the Central Provinces.

184. I find from the memorandum* that the total ncome of the district councils in the Nagpur Division s 14 lakhs, in the Jubbulpore Division it is 11 lakhs, in the Nerbudda Division it is 10 lakhs, in the Chhattisgarh Division it is 9 lakhs, while in the Berar Division it is 38 lakhs. I would like to know how o the Berar district boards compare with the district councils in the Central Provinces ?—I should not like to make any general statement on the subject as to which is better.

185. *Sir Hari Singh Gour*: The Chairman was referring to the cuts on the reserved side. Have there been wholesale cuts on the transferred side ? —Only when the Swaraj party chucked the whole of the budget out. There is no question whatever that the certifying power of the Governor is absolutely essential. Talking from the point of view of the constitution, there is no question that chaos would have resulted from the action of the council if there had been no certifying power.

186. Is not this one of the methods of ventilating the grievances against the reserved side ?—Yes.

187. And now they have begun to realise that they can do this by token cuts ?—Yes.

188. *The Chairman*: Take the last item on page 79†—Reduction of six posts of deputy superintendents, Rs. 36,000 ; inspectors of police, 68,400. Where shall I find the passage or page which will show me what was the public policy which required that to be done ?—That you will find, sir, on page 96.‡

189. Thank you very much. "The cut of "Rs. 36,000 was made with the object of reducing "the number of deputy superintendents from 22 "to 16" ?—Yes. The number of assistant superintendents was short in the police, just as we are now short in the Indian Civil Service cadre. In consequence of that we had to appoint extra deputy superintendents, and I gather that the council thought that it was intended actually to increase the cadre of deputy superintendents, which was not the case. This explanation was given, but it was not accepted.

190. The other item refers to the inspectors of police. The council made a reduction of Rs. 68,400, which represented the provision for 25 posts. I see that page 96* says : "This class of officers is "necessary for efficient police administration, and "it is considered impossible to effect so large a re-"duction." It suggests itself (I do not wish to offer criticism) that it may be rather a popular thing with constituents to vote against these things when they know that the amounts rejected will be restored ? —Yes.

191. *Lord Strathcona*: What was the idea of cutting down Rs. 85,000 on account of the courts of honorary magistrates ?—There has been a campaign in the council against honorary magistrates for some time. It has several origins, but really it started with the idea of the council that government appointed as honorary magistrates, without due care, men from among the landowning and substantial classes who were most likely to be on the side of Government. The honorary magistrate wields considerable power of influence within his small jurisdiction, and the council, especially the more advanced members of the council, attacked the whole system of honorary magistrates on the ground that we were not making the appointments with sufficient care. Government has issued very careful instructions for these appointments, but even in this last budget the council cut the provision out. It is really more or less a political stunt.

NAGPUR.

Dated, 15th March, 1929.

Afternoon.

PRESENT :

ALL THE MEMBERS OF THE COMMISSION (EXCEPT LORD BURNHAM AND MAJOR ATTLEE) AND OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND AND SIR ZULFIQAR ALI KHAN).

Mr. N. J. ROUGHTON, I.C.S., Finance Secretary to the Government of the Central Provinces.

1. *The Chairman*: Mr. Roughton, I think you are Finance Secretary ?—Yes.

2. I wish to put some questions to you on behalf of the Conference in order to get a conspectus of the financial position here. First of all, will you please explain to us what the financial arrangements with Berar are ? Berar, as we understand, is not British territory, but has been assigned to the British Government, has not it, under a perpetual lease ?—Yes.

3. *The Chairman*: I think for the maintenance of the Hyderabad contingent——

Sir Hari Singh Gour: No, not for anything. It is a perpetual lease. There is not that condition attached ; if there were, it would change the aspect of the question. The lease is simply a perpetual lease upon the payment of 25 lakhs.

4. *The Chairman*: Is that right ?—Yes.

Sir Hari Singh Gour: They attempted to argue differently, but their argument was overruled by the Secretary of State.

5. *The Chairman*: Anyway, the result is, is not it, that Berar is administered jointly with the Central Provinces ?—Yes, by the same administration—the same officers and everything.

6. Devolution Rule 14, sub-section (2) provides that "The revenues of Berar shall be allocated to "the local Government of the Central Provinces as "a source of provincial revenue. This allocation "shall be subject to the following conditions, namely, "(i) that the local Government of the Central Pro-"vinces shall be responsible for the due administra-"tion of Berar ; and (ii) that if in the opinion of the "Governor-General in Council provision has not been "made for expenditure necessary for the safety and

* Vol. XIII, Memorandum on the development of local self-governing bodies in the Central Provinces and Berar.

† Vol. XIII (Appendices to Vol. I., p. 79).

‡ Vol. XIII (Appendices to Vol. I., p. 96).

" tranquillity of Berar, the allocation " (that is, the allocation of the revenues of Berar) " shall be termi- " nated by the Governor-General in Council, or " diminished by such amount as the Governor- " General in Council may by order in writing direct." Of course, that has not happened ?—No, that has never happened.

7. If I follow the position rightly it comes to this so far, that the revenue derived from Berar goes into the general funds ?—Yes.

8. And may legally be spent whether on one part of the total area or on another part of the total area, according to the circumstances ?—Yes, that is the case.

9. Am I right in thinking there has been some controversy about the distribution of the revenues as between the Central Provinces and Berar ?—Yes.

10. Was the matter raised in the local council by a resolution or something ?—I am not certain as to the form it took.

11. How did the Sim Committee come to be appointed ?—It was appointed by the local Government as a result of consultation with representatives of the two areas.

12. My colleagues will find the matter is dealt with in some detail at page 66 of volume I of the Government memorandum.* There was a resolution by the local council, I see ?—Yes.

13. That was in March, 1921. It says: " The " local Government appointed a committee to submit " a scheme for a financial settlement between the " Central Provinces and Berar, designed, while safe- " guarding the necessary requirements of a single " Government, to secure that a reasonable share " of Berar revenues should be spent for the benefit " of Berar " ?—Yes.

14. It was called the Sim Committee, just as sometimes, but wrongly, this Commission is referred to as the Simon Commission ! What were the principal recommendations of that Committee so far as they concern the financial distribution ?—The Committee divided expenditure into two portions, central and divisible, of which the divisible amounted to roughly one-third of the total expenditure.

15. " Central " meaning, of course, central from the point of view of the province as a whole ?—Yes.

16. I suppose including Land Revenue, Stamps, General Administration, Justice and things of that sort ?—Yes, and parts of other heads as well. In the Education Department, higher education was considered central because students from Berar can come and study in the Central Provinces colleges. Moreover, the Director of Public Instruction, his staff and the higher education staff were considered central, because they operate for the benefit of both areas.

17. The other head is called divisible, and consists of expenditure which they thought could conveniently or properly be regarded as divisible between the one area and the other ?—Yes, divided according to locality.

18. One would have thought most of the expenditure on education would be of that sort ?—Yes, most of the expenditure on education is divisible.

19. And also medical relief, one would think ?—Yes.

20. And obviously grants-in-aid to local bodies ?—Yes.

21. And I suppose public health, generally speaking ?—Yes.

22. And various forms of civil works ?—Yes.

23. You say the divisible element was found to be about one-third of the whole ?—Yes.

24. The central element was regarded as indivisible, but with regard to the divisible element, on what basis was it proposed that it should be distributed between the two areas ?—In the proportions of 60 : 40 ; in the same proportions, that is, as the total revenue derived from the two areas.

25. We did it in your absence, Mr. Roughton, but in exchanging opinions with one another the other day, when Mr. Gowan was before us, some of us made the observation that of course it is a little difficult to justify in principle saying that the amount you spend inside a boundary as between one portion and another shall be determined by considering how much of the revenue comes from one portion and how much from another ?—I agree.

26. Carried to its logical conclusion, that would mean that each individual should have just as much spent on him by the State as he pays in taxes ?—Yes.

27. *The Chairman*: That is not the principle usually applied !

Mr. Cadogan: It is the exact opposite.

28. *The Chairman*: What was the underlying reason for it being thought necessary to go in for this principle of division ? Who was complaining ?—Berar.

29. *Mr. Hartshorn*: The Berar members ?—The Berar members, yes.

30. *The Chairman*: They were saying (rightly or wrongly) that more was being taken out of Berar than was being put into it again ?—Yes, and they said they were not legally joined to the Central Provinces.

31. I will not say it is an irregular alliance, but it is certainly an unusual one ! Has that 60 : 40 principle been carried out ?—No. We have never been able to work up to 40 per cent. for Berar, because we can make alterations only, for the most part, in regard to new expenditure, and if we have not sufficient money for new expenditure to make up the ratio, we cannot make it up. It has got up to 38 now.

32. It is not far off the 40. I have a few figures here which it may be convenient to give the Conference, taken for a series of years. The divisible expenditure since the Sim Report has gone like this : 1923–24, 73 : 27 ; 1924–25, 71 : 29 ; 1925–26, 71 : 29 ; 1926–27, 62 : 38 ; 1927–28, 62 : 38, and the same for 1928–29 and 1929–30. It is now something approaching 62 : 38 ?—Yes.

33. You have to go a little further to get it quite right ?—Yes, and it gets more and more difficult every year.

34. I take it this is not in any sense a statutory or mandatory distribution ; it is a policy which has been adopted and which everyone is trying to carry out ?—Yes, it is an agreement. As an illustration of our difficulties, I might mention that we shall not be able to get up even to 38 this year, although we have budgeted for it. That is because we have suddenly had this famine in the north of the province, and we are having to cut down a great deal of expenditure, and it is possible to reduce only new expenditure ; and so much new expenditure is in Berar that we shall have to cut down a lot of Berar expenditure during the next year. Although we have budgeted for 62 : 38 we shall find at the end of the year that the share of Berar has fallen below that.

35. I am not sure I have quite grasped the idea. I will put what I understand you to say ; tell me if it is not right. You say it is only out of new expenditure that the proportion can be corrected. Is that because, as far as old expenditure is concerned, it is recurring and therefore the proportions tend to remain the same, and you have to find new resources out of which you will give a considerable proportion to Berar, so as to get nearly to the 6 : 4 ratio ?—Yes.

36. Then you say that when there is a drain on what might otherwise be resources for new expenditure, such as a famine, you cannot carry out the proposed new expenditure and Berar's proportion suffers ?—Yes. We have to reduce the expenditure in Berar, because a large part of the new expenditure is in Berar.

37. How many districts are there in Berar ?—Four.

38. And how many in the Central Provinces, without Berar ?—Eighteen.

* Vol. XIII.

39. There is a considerable element of expenditure from the centre, is not there, which takes the form of grants which go to district boards and the like ?—Yes.

40. One would have thought it was rather difficult to get a ratio rapidly corrected when you have eighteen claimants in the area which gets too much and only four in the area which gets too little ?—It is difficult, and it gets more difficult every year. We have to do it mainly by means of boards.

41. I do not know whether you are prepared to guide us with your view (no doubt it would be an important and authoritative one) as to whether this existing system should continue or whether you think that it calls for modification in any way ?—I consider it calls for modification.

42. Have you any suggestions on the subject you would like us to consider ?—The only real modification would be to abolish the formula altogether.

43. I should hardly think that was so. It may be the only practical one which occurs to you, but I can conceive someone coming forward and saying that Berar ought to have its own budget, that it should have its own revenues and raise within its area whatever taxes were necessary for itself. That is a conceivable theory ?—Yes. That is modification in the other direction, is not it ?

44. *Sir Hari Singh Gour*: That would mean a complete severance of the finances of the two provinces, if I may call them so ?—Yes.

45. *The Chairman*: That would put an end to the revenues of Berar being allocated to the local council ?—Yes.

46. Very likely it would be a very serious step to take ?—Yes.

47. You could have a separate budget and still have a joint administration, I suppose ?—Yes.

The Chairman: It might be convenient if others were to ask questions now on this special point in regard to Berar before I go on to deal with the Meston settlement, and so on.

Sir Arthur Froom: You have asked the chief question—whether it is a suitable arrangement—and the answer is, no.

The Chairman: I should think from the point of view of the financial purist it certainly is not, but you have to consider other things, such as the feelings of the Beraris.

48. *Sir Hari Singh Gour*: What is the extent of the elasticity of the revenue of the Central Provinces as compared with that of Berar ? To what extent are you likely to raise the revenue of the Central Provinces so that the Central Provinces will not compete with Berar in the matter of expenditure ? This hostility to the Central Provinces on the part of Berar on the ground that the Central Provinces take away revenue from Berar for the amelioration of their position is due to the fact that for a given area the revenue received from the eighteen districts of the Central Provinces is less than that obtained from the four districts of Berar; that is to say, area for area the revenue is less in the Central Provinces. In eighteen districts we raise about four crores, and in four districts we raise about two. I wish to know whether your Government has thought out what is the line of expansion of the revenue in the Central Provinces as compared with the revenue that might normally be obtained in Berar, so that the disparity between the revenue of the two provinces (if I may call them so) may be eliminated in the near future ?—I think there can be no doubt at all that the revenue in Berar is much more elastic than it is in the Central Provinces.

49. Is that due to the fact that you have in Berar the *ryotwari* settlement ?—That is partly it.

50. And you have the *malguzar* settlement in most of the Central Provinces and the *zamindar* settlement in Chhattisgarh and other districts ?—Yes.

51. *The Chairman*: Let me see if I understand; these are difficult technical terms for us. In Berar under the *ryotwari* system, I understand the revenue is recovered direct from the occupier through the agency of a village officer ?—Yes.

Sir Hari Singh Gour: May I explain the position ? There are three types of revenue system here. The *ryotwari* system is a tenancy system.

The Chairman: I put it rightly, I think ?

Sir Hari Singh Gour: Perfectly.

52. *The Chairman*: The revenue is recovered direct from the occupier through the agency of village officials and the field is the unit of settlement ?—Yes.

Sir Hari Singh Gour: Yes. That is in Berar. In the Central Provinces you have not that system, except in very small areas in Khandwa and other places, which we can leave on one side. The system generally employed in the Central Provinces is the *malguzar* system, where you have middlemen, and the *zamindari*, where there are also middlemen. The *malguzar* pays roughly 50 per cent. and the *zamindar* roughly 25 per cent. and is a favoured tenure holder. In other words, out of Rs. 100 realised by the *zamindar*, technically he keeps Rs. 75 and pays Rs. 25 over to Government, whereas in the case of the *malguzar* the assessment is 50/50, roughly speaking.

53. *The Chairman*: Is the *malguzar* responsible for the collection of land revenue in his village ?

Sir Hari Singh Gour: Yes; so you have what you may call the favoured revenue system and the normal revenue system, both through middlemen, and then you have direct collection.

54. *The Chairman*: My impression is—correct me if I am wrong—that in the Central Provinces you have this situation, which seems very interesting, namely, that the revenue officer in a certain sense fixes what the rent should be ?

Sir Hari Singh Gour: Yes, he does. That is the question I put to Mr. Gowan yesterday. The periodical revision of these settlements used to bring to the Central Provinces additional revenue, consequent on the development of the province. New railways are built, and the crop is thrown on the market and sold to greater advantage; irrigation projects are put into operation, and so on; the price of foodstuffs has gone up, and the same amount of land brings in more money than it did ten or fifteen years ago. The inelasticity of the revenues of the Central Provinces has been introduced by the new arrangements, by which settlement takes place only at intervals of thirty years.

55. *The Chairman*: Not only is there to be no revision in a shorter period than thirty years, but there is also some limitation of the increment which may be imposed.

Sir Hari Singh Gour: Yes. (To Witness): Taking that into consideration, have you any idea as to what is the extent of the increase in the revenues of the Central Provinces that you may expect in the next ten years, as compared with the growth of revenue in Berar ?

The Witness: We expect an average of three lakhs a year for the two, of which probably at least a third would come from Berar.

Sir Hari Singh Gour: So that the ratio will remain the same ?

56. *The Chairman*: That means you are calculating on a progressive increase of about three lakhs year after year for a certain number of years ?—Yes. We calculated that by examining the settlements that we are going to make and making a rough guess at the amount we would expect to get from them.

The Chairman: I may tell the Conference I asked for figures for two years—1921–22 and 1928–29—for the different heads of revenue, but as a matter of fact in this province it does not look as though the figures for land revenue could easily be compared, because it happens that in 1921–22 the figure for land revenue included a very large quantity of arrears, and was 2,65 lakhs altogether as compared with 2,38 in the present budget. That does not mean the land revenue has gone down, but that in the earlier year there happened to be included a number of arrears. The witness counts on an increase of about three lakhs a year in the land revenue.

57. *Sir Hari Singh Gour*: But that will not alter

the proportions as between the Central Provinces and Berar, and this disparity may be regarded as a permanent feature, as far as we can see ?—Yes, I think so.

58. Consequently the grievance of Berar, if it is a just grievance, must be tackled on other principles ; it cannot be said that it is only a temporary thing, and that within a few years there will be equalisation of revenue, and consequently it cannot be said " You " are only helping your poor brother, and in a very " short time your poor brother will get rich and be " able to help you." That cannot be said by the Central Provinces ?—No, I do not think we can expect that.

59. Then there are only two other ways of meeting this grievance. One is expansion of the province by tacking on to the Central Provinces other adjacent areas, and enlarging it and thus reducing the overhead charges. Can you suggest any plan for that purpose ?—It would only have that effect, I imagine, if we were able to collect some wealthier areas from elsewhere.

60. Your nearest neighbour is Orissa ?—Yes.

61. On the other side, the Central Agency and Rajputana and all those areas hem you in on all sides, and in the south His Exalted Highness the Nizam's territory bounds you ?—Yes.

62. You have therefore very poor neighbours ?—Yes.

63. Orissa is itself a deficit sub-province, if I may so call it ?—Yes.

64. Consequently if you tacked that on to the Central Provinces it would embarrass you more than help you ?—Certainly.

65. Therefore you have no means there ?—No.

66. Then you have another way, an important one, and that is the question of the mineral development of your province ?—Yes.

67. You have certain mineral resources ?—Yes.

68. And what may you expect from manganese and coal and the deposit of iron ore and cement ? —At present they are in a depressed state.

69. *The Chairman* : Has a conclusion been reached in this province as to whether the mineral resources as distinct from the agricultural fertility of the land is the property of the private proprietor ?

Sir Hari Singh Gour : They are the property of the State.

The Witness : Yes, we take a royalty on them.

The Chairman : That is very interesting. I am much obliged to you, Sir Hari Singh.

70. *Sir Hari Singh Gour* : Then what else have you got ? You have nothing at all ?—No.

Sir Hari Singh Gour : You are doomed to perpetual bankruptcy !

71. *The Chairman* : Let us take the other thing. As I have warned you, the totals I have got are not quite as truly comparable as they are in other provinces, owing to the fact that there were some arrears in the earlier year. Subject to that, the figures are these. In 1921–22 the revenue seems to have been 495 lakhs, of which I think 22 lakhs went in the form of contribution to the Central Government, and in 1928–29 your budget figure is 554 lakhs ? —Yes.

72. And that in spite of the fact that in the earlier year you have really included some arrears ?—Yes.

73. That seems to show that there is an upward trend, anyway. Let us look at one or two of the items. Excise, in the earlier year, I see was 105 lakhs, and in the later year 130 lakhs. How do matters stand about that ? Is this a province where the movement of prohibition is going greatly to reduce your proceeds of excise ?—Yes, we are committed to prohibition as the ultimate goal of our excise policy.

74. You regard it, then, now as an inelastic source of revenue ?—Yes, I expect it will decline.

The Chairman : You may have less consumption but a higher rate of charge.

75. *Mr. Cadogan* : Is it vanishing ?

The Chairman : These two figures would not appear to show it—105 and 132 ; but I believe the consumption has gone down a good deal ?

The Witness : Yes, it has gone down very much.

76. Do you consider that up to the present there is a good deal of illicit liquor making ?—As far as we know there is not a great deal. The cases detected, I think, have increased by something in the neighbourhood of 50 per cent.

77. *Sir Hari Singh Gour* : Is not there a complaint that in areas bordering upon the feudatory states there is a good deal of illicit liquor making ?— Probably there is and probably there always has been. These remote areas are very hard to control.

78. The dearer you make your liquor, the greater is the incentive to the illicit distiller ?—Yes.

79. *The Chairman* : Then Stamps. That is a head, I think, under which you have raised additional revenue ; you have increased taxation since the Meston Settlement ?—Yes.

80. Is it still raised, or was it a temporary raising ? —It was raised temporarily, for three years.

81. And it has now dropped back to the original level ?—Yes.

82. Stamps in 1921 produced 50 lakhs, and in 1928, 66, Forests in 1921 produced 41, and now produce 58. Then what are the " other heads " ? —They are small things, like school fees, and so on.

83. What we want to know, to help our financial advisers who have been looking into it with you, is this. Taking the heads of provincial revenue as they stand, do you consider that you have got amongst them some expanding and elastic heads ? It has been pointed out that Land Revenue, for good reasons or bad, has been put within rather strict boundaries. You told me you do not think Excise is expanding. Supposing the province wants to spend a good deal more than it is spending now, do you see in its existing heads of revenue and taxation how it would be done ?—No, we should only get 10 lakhs or so out of stamps, and our normal increase, I suppose, is about eight lakhs a year, less any amount that we may suddenly lose over Excise.

Lord Strathcona : The book gives the rise in 1928–29 as 79.

84. *The Chairman* : You regard it as probable that there will be some slow annual increase of revenue ?—Yes.

85. But not very rapid ?—That is so ; and it might disappear altogether if we had a big slump in excise.

86. One thing that strikes one in comparing your situation with that of some other provinces is that Irrigation does not seem to be a substantial source of revenue at all in this province ?—No, it is not a source of direct revenue at all.

87. Why is that ?—The rates are fixed by agreement with the cultivators, and if they do not like the rates they simply do not take the water, with the result that you cannot enhance the rate to cover the cost, and it is not like introducing irrigation into a barren area with no population ; you have to adapt the irrigation to the existing circumstances.

88. My colleagues will notice that there is a bit about this on page 6 of the memorandum about the Meston Settlement, and what caught my eye was at the bottom of that page : " All irrigation works " in the province have now been classed as " unproductive " ?—Yes.

89. *Sir Hari Singh Gour* : In the case of the Punjab and Sind there is always a deficient rainfall, but here the normal is reached except in exceptional years ?—The cultivators only take water every two or three years, and payment in the other years is in the nature of insurance.

90. You cannot make them pay in the same way as in other provinces ?—That is so.

91. *Sir Arthur Froom* : It is like Bombay. They look upon irrigation as a form of insurance, as they do here, against famine ?—Yes, and they are not really educated up to the idea of insurance.

92. *The Chairman* : Would you say that is so in

Bombay as a whole. If you take an area such as the area to the south of Poona, which is to be irrigated by the Lloyd Dam, it is more than insurance, is it not? It is providing every year a supply of water at seasons of the year when otherwise water would be short?

Sir Arthur Froom: They do not make much profit out of irrigation in Bombay—nothing like what they make in the Punjab.

The Chairman: There, of course, they have taken the desert and made it blossom like a wheatfield. I can understand that if the cultivator only pays for his water when he wants it for some special emergency, it is like trying to provide revenue by charging for water to put out a fire.

93. *Sir Hari Singh Gour*: And your soil is not sufficiently rich to produce two crops a year; therefore the cultivator cannot use his water outside the monsoons?—In the irrigated areas there is practically no double cropping, I think.

94. *The Chairman*: Now let us take expenditure for a minute or two. If one turns to the second volume of the Government book, page 134*, there is an Appendix XIX which contains some interesting figures. If you take the expenditure and disbursements of the province, and take the transferred departments, you will find that in 1921–22 you had an expenditure of something like 166 lakhs, whereas if you take 1928–29, which is four pages further on, you will find that the expenditure is 247 lakhs; so there is a very substantial increase in the interval in the amount that is spent on transferred departments?—Yes.

95. That is good as far as it goes. If you look at the other half, the reserved subjects, there has been a drop. The expenditure on the reserved heads in 1921–22 was 360 lakhs and in 1928–29 it was 335 lakhs. Therefore, if I follow the general effect of those figures aright, in this province, it is true that the reserved departments still take the larger share, but they are taking less and less, whereas the transferred departments are undoubtedly taking more than they previously did?—Yes, that is so.

96. That is the fair reading of the comparison?—Yes, that is correct.

97. One sees what the principal increases are. For instance, Education. The increase in the Education expenditure as between those two years is something like 20½ lakhs, and the increase in Civil Works, I think, is something like 40½ lakhs?—Yes.

98. Have you got any idea of what it would cost to introduce compulsory education here, say, in the next ten years?—Well, we can only get a very, very rough figure, but it is suggested that it would cost us at least a crore to introduce compulsory education in those areas in which it would be feasible to introduce it.

99. Do you mean a crore every year?—A crore a year, and three crores non-recurring expenditure. That is the amount it is suggested we could usefully spend.

100. In most provinces where we have been, we have had some figures to show us what is the kind of expenditure which may be regarded as the standard of administrative expenditure. It is interesting to see how provinces compare, and, of course, they differ very much. We noticed early in our journeys that Bombay in this respect has got a high standard—always has had?—Yes.

101. I have some figures here, for instance. If you take the expenditure on education per million inhabitants, in Bombay it is 9·6 lakhs?—Yes.

102. In the Central Provinces it is 3·1?—Yes.

103. In Bihar and Orissa it is 1·4?—Yes.

104. If you take medical expenditure, it is difficult to know what a good test is. One test is the number of free beds per million of inhabitants for taking in sick people. In Burma, which is the highest, there are 418; in Bombay there are 332; in the Central Provinces 125; in Bihar and Orissa 97. Or, again, if you take mileage of roads per million of inhabitants as a rough test (it is obviously not a very perfect test; it depends on how closely the inhabitants are packed together), we find that Bombay has something like 1,525 miles of roads per million, Punjab 1,100 miles of roads per million, Central Provinces 607 miles of roads per million?—Yes.

105. But I do not regard that as a very good test, because it entirely depends upon the distribution of the population. So it rather does look as though the standard of expenditure of the Central Provinces for these things, like education, medicine, communications, and so on, is by no means high. What is your own view?—We have to cut our coat to suit our cloth. That estimate of one crore for compulsory education which I gave was based on the suggestion that each pupil would cost Rs. 10 per annum, whereas, I believe, in Bombay they cost twice as much.

106. A word about the Meston settlement. We have all, at different times, looked at the report of the Meston Committee. Do you remember what the standard revenue was that the Meston Committee estimated for this province?—4,36 lakhs.

107. Actually it turned out to be more, I believe?—Yes, but it was practically that the first year, if you exclude the arrears of land revenue which were collected.

108. The contribution you were to make under the Meston scheme was a low one—22, I think?—Yes.

109. You were one of the provinces which had to contribute back comparatively little, and of course that has now ceased?—Yes.

110. That arrangement left you, or was supposed to leave you, with an increased spending power?—Yes.

Sir Hari Singh Gour: The remission was earmarked to be spent on nation-building departments.

111. *The Chairman*: I think some of it, at any rate, went on revision of salaries?—Yes, in our case a very large proportion of the increase went on revision of salaries.

112. After the Meston settlement, without the imposition of any new taxes did you find yourselves able to pay your way, or did you find yourselves left with a deficit?—We had great difficulty at the start in making both ends meet, but we have had less difficulty in recent years.

113. I think you started with an opening balance of 51 lakhs?—Yes.

114. I understand you had to draw on that 51 lakhs opening balance to start with to meet what would otherwise have been a deficit?—Yes.

115. Then you imposed additional taxation in the shape of these stamp duties for the three years 1923–25?—Yes.

116. And that lifted you out of the rut?—Yes.

117. But after three years stamp duties dropped back?—Yes.

118. How do you stand now? Have you got to financial equilibrium now?—We had prepared a balanced budget this year. For the last two or three years we had larger balances, and intentionally spent them on non-recurring expenditure. At the beginning of this year we got down to what we considered was a reasonable opening balance. We consider we should have 25 lakhs as an opening balance, and in the budget framed this year we allowed for a surplus of half a lakh. That has been altered owing to the famine, and we have had to cut out a lot of expenditure, but that was our estimate for the year, and we provided for most of the new expenditure that was put up to us.

119. The legislative council here has a cheerful habit, so far as funds for reserved departments are concerned, of refusing to pass them?—Yes.

120. Apparently they find in many cases that the vote is restored, so it does not make any difference?—Yes.

121. That gives us the material we ought to get out. We will get advice about it a little later on.

* Vol. XIII (Appendices to Vol. I).

Is there anything you would like to add on the financial position before my colleagues put questions? You have made it very clear to me, I think?—The only point I want to emphasise is the inelasticity of our revenues, but I think that has already been dealt with.

122. As things are, you do not, apparently, get anything here out of that provision which in a certain event gives the province a little income-tax, owing to increase in the assessment?—Rs. 1,62,000, I think.

123. *Sir Arthur Froom*: Has the Government, or have you any views as to any readjustment of the Meston settlement? You have probably heard that most provinces are calling out for some relief. They have been labouring under considerable difficulties. I will not talk about Bombay, but we heard in Bengal that they have been very hard up for many years and they want some readjustment of the revenues?—My personal view is that there ought to be a readjustment in such a way as to give assistance to the more backward parts of India, in the same way as Berar contributes towards the Central Provinces.

124. Who do you suggest should contribute towards Bengal? Do you call that a backward part?—No.

125. That does not help a particular province out of its difficulties, does it?—No.

126. As the Central Provinces have not for several years been in financial difficulties, I suppose a careful study of the future has not been found necessary?—The difficulty is that we have not much money for development.

127. Your difficulty is development?—Yes. We can keep on as we are, but we cannot do very much in the way of development.

128. I see that in your Note on the Meston settlement you deal with certain proposals of the Taxation Enquiry Committee?—Yes.

129. As far as I can make out, you do not agree with any of them? You find difficulties?—You mean as regards new taxation?

130. Yes?—We agree more or less to the tobacco tax—to a tax on country-made tobacco, but not on *bidis*—provided it is collected at the source. We think it would be very difficult to collect it anywhere but at the source. The other suggestions would bring in very little indeed, except for death duties, and they would probably cause administrative difficulties. Death duties would have to be the same for the whole of India, I take it, and we would naturally come in with the rest of India in such a matter as that.

131. In the case of death duties you would like the experiment tried in another province before it is attempted here?—Yes.

132. You give your reasons for that, of course?—Yes. In the case of an undeveloped tract that is natural.

133. *Sir Hari Singh Gour*: I think a Retrenchment Committee was appointed for the purpose of revising expenditure and suggesting means of retrenchment, and was presided over by Mr. Slocock?—Yes.

134. They suggested retrenchment amounting to how much?—I do not remember the exact figure.

135. Did you carry out the recommendations of that Committee?—Some of them. Some we did not.

136. You reached about half of what they recommended?—I think it came to about that.

137. Did you find any insurmountable difficulty in retrenching to the full amount suggested by the Slocock Committee?—All the proposals were considered, and those which Government did not think it could put into force were not put into force.

138. For example, the local council has been insisting (and I think has insisted this year as well) on the abolition of divisional commissionerships, and the Retrenchment Committee also recommended that. That would mean a substantial saving. You have five commissioners; it would mean a saving of five or six lakhs a year?—Not as much as that.

139. The establishment—the office and so on—would go too?—Yes, it might mean that if you abolished them too.

140. *The Chairman*: The work would have to be done by somebody?—Just at present, when faced with a famine, and with people with three or four years' service in charge of districts, it would be madness to abolish the supervising agency.

141. *Sir Hari Singh Gour*: I did not suggest that at all. My question did not have reference to to-day or to-morrow, but to an objective to be kept in view, with due regard, of course, to the circumstances of your province and the claims and vested rights of officers—the reasonable claims of everyone concerned. It is one means of economising expenditure, though not necessarily an immediate means?—Yes.

142. The legislative council here has been very insistent on this demand?—Yes.

143. The only reason given for retaining them, as far as I have been able to see, is that for abolishing them the sanction of the Secretary of State is required. I think Sir Frank Sly offered to abolish two or three commissionerships as a compromise, but it was not accepted by the local council?—There was some talk of abolishing one.

144. But even that one has not been abolished yet?—No.

145. So there is a possibility of effecting some retrenchment in the future, though not necessarily in the near future?—Yes. You could save the cost of one commissioner, but it does not necessarily follow that because you cut out the superintending charges the net result is a gain. There may even be a cash loss. Take the case of the superintending engineers in the Public Works Department whom the council also very frequently attacks. I am certain if they were abolished our public works bill would go up by leaps and bounds.

146. The view of the local council is this. They say: "We had in this province one executive head, "the Chief Commissioner (now the Governor). Then "you added a financial commissioner, and now you "have two executive councillors and two ministers. "The work has been thus distributed and is no "doubt better done, but the financial drain on the "province is so great that unless all the heads of "expenditure are revised, passed under review and "brought up to date, we are not in a position to "advise any additional taxation." That is the position?—Yes. I think there is an answer we can give to that. As the Chairman was pointing out just now, most of this expenditure which you mention is on the reserved side of the administration, and the cost has gone down rather than up, so presumably there is not very much scope for further reduction.

147. I understand what the local council wants is a systematic inquiry and an overhauling, as it were, of the whole scheme, so that there may be a periodic overhauling?—Yes.

148. The failure of ministerial responsibility in this province is ascribed partly (I do not know whether rightly or wrongly) to shortage of funds. The ministers are not able to strengthen the nation-building departments and spend money on the transferred side?—Yes.

149. That has been due to the financial stringency in this province and the rapidly-growing want of elasticity in the revenue?—Yes.

150. If we have ministerial responsibility again in the province, how are we going to deal with that question? That is a problem which we have to tackle?—I agree.

151. How are you going to get the money? Otherwise the ministers will say "What is the good "of our being ministers when you do not give us "the money to develop these nation-building departments?"—Yes.

152. That is one of the difficulties of our province?—It undoubtedly is.

153. There is a demand everywhere for more roads, more hospitals, more schools and colleges, and for compulsory primary education ?—Yes.

154. What is the proposal your Government wishes to make on the subject ? Have you any helpful suggestions to make ?—I think our Government merely gave a statement; I do not think it made any proposals. What is required is some form of new taxation.

155. The other proposal is that as the province is not able to be self-supporting in that large sense (that is to say, with a certain elasticity of revenue to provide for development) it should be divided up between the Bombay Presidency and the United Provinces; the northern districts, which came to you from the United Provinces, should be returned to them with thanks, and the Mahratta districts should go to the Bombay Presidency ?

Sir Hari Singh Gour: That is the only means of getting rid of the financial burden.

156. *The Chairman*: That would not in itself produce any more money ?

Sir Hari Singh Gour: No, but there would be no province to want any money. The overhead charges and so on will go. That is one of the suggestions which has been made.

157. *The Chairman*: I think it is one of the most difficult conundrums connected with this country. There can be no question at all that in many parts of India there is a sincere and most reasonable desire to see more money spent on what are often called nation-building services. That seems to me a perfectly sincere and perfectly reasonable desire, but wherever we go as we go round India we find people saying that they do not think they have sufficient resources. Many of them say that on that account they should get more supplies from the centre, but, after all, the money has always in the end to come from some form of taxation, whoever imposes it. I have yet to come across a province which says, "We are well off, and we have some-"thing to spare for our neighbours"! It is a big question. People sometimes say that for the rapid development of this great country it is necessary for another fifty crores to be spent. Very well; then that amount must be raised or saved. There is no other way ?—If they would double the salt tax it would make a lot of difference.

158. *Sir Hari Singh Gour*: It would give about three crores. We raised the salt tax in Sir Basil Blackett's budget, and we did not get very much—about three crores, I think ?—Yes.

159. That will not solve the difficulty, because Bengal wants seven crores, and you naturally want a couple if you are really to develop ?—Yes.

160. *Sir Arthur Froom*: I see that Education has gone up from 47½ lakhs in 1921–22 to 68 lakhs in 1928–29 ?—Yes.

161. The expenditure on Agriculture in 1921–22 was about 14½ lakhs, and that has gone up to 19 lakhs. Do you consider there is room for further expenditure on agriculture ?—Certainly there is.

162. There is a certain school of thought in this country that is of the opinion that it would be the saving of the country altogether if better attention were given to agriculture ?—Yes.

The Chairman: And, of course, there is a very important report by the Commission on Agriculture.

163. *Sir Arthur Froom*: Yes; and I must say I have been very much impressed with the views of those who say that agriculture should receive the closest attention, because it would benefit not only the agriculturist but your revenues in every direction.—It would take a long time coming back in the form of land revenue, because of the settlement system.

164. It would increase the revenues of the All-India Government, and you may get it back from the central government. I am not talking only of land revenue. It will increase the purchasing power of the agriculturist ?—Yes.

Sir Hari Singh Gour: That is, of course, a theoretical possibility, but not at the moment a practical thing.

165. *Sir Arthur Froom*: I think it is one of the most practical things before the country. Besides that, there is communications. The communications of the country are almost as important as education, because communications by themselves have a great effect on village life, which is circumscribed, without good communications, to perhaps a radius of ten or fifteen miles ?—Yes. We shall have to devise some means of improving them.

166. Communications and agriculture are two of the most important things on which money could be spent in this country ?—Yes. We are thinking about further taxation on motor-cars.

167. There is room for that in the Central Provinces, I know. We discussed that before.—Yes.

* * * * * * * * *

Memorandum submitted by Mr. A. Rodger, O.B.E., Inspector-General of Forests.

The policy of the Government of India as regards forests has been clearly laid down in an admirable circular, No. 22-F., dated October 19th, 1894, and this circular has been recently quoted, with approval, by the Royal Commission on Agriculture in India.

2. After thirty years' experience of forest work in India and Burma, I desire to bring before the members of the Statutory Commission certain points affecting the administration of the forests in India which I am sure are of importance to the general welfare of the country.

3. The forests of India should be regarded as a national, far more than a provincial, possession. Covering as they do more than a quarter of a million square miles, nearly one quarter of the whole area of British India, it is impossible to maintain that they are not a factor of the greatest importance in the development of the prosperity of the country. It is true that nearly half of the total area of forests lies in Burma, but the forests there can be regarded as a very valuable reserve of timber, not only for India, but for the whole Empire.

It is not possible to look upon the forests of an Empire like the Indian Empire in separate watertight compartments. It is not necessary here to enlarge in detail upon the amenities which forests give to a country. But it is generally accepted that they have a tremendous influence on :—

1. Climate and most probably on rainfall ;
2. The retention of moisture in the soil thereby directly influencing the quantity of water available for irrigation ;
3. The prevention of erosion ;
4. The supply of such necessities as timber, fuel, grass, etc., to the population ; and
5. The supply of timber and other products for industrial and commercial purposes.

Scientific conservation and afforestation are vital to the country as a whole as regards the subjects mentioned above.

In addition to being of national importance there is not the slightest doubt that the forests of India are of grave Imperial importance to the British Empire. Lord Lovat, who is Chairman of the Forestry Commission at Home, and corresponds to the administrative head of the Forest Department which is now in process of being organised there, has recently pointed out that the United States and many parts of the British Empire (excepting India) have been guilty of a prodigal neglect of re-afforestation, with the result that timber scarcity is advancing upon them with seven league strides. In the meanwhile the forest assets of India have been safeguarded to such an extent that if the existing policy of conservation is pursued for another generation or so the yield of timber from India will be enormous and the British Empire will benefit thereby to a marked extent at the very time that the depletion of the forests in America and Canada will be severely felt.

The next point of a general character which may be noticed is the fact that apart from England, where exceptional circumstances exist, all countries in the world have practically ceased to be of importance after they have destroyed their forests. For instance, Mesopotamia, Palestine, Egypt, North Africa and the Indus valley itself are all countries where the forests have been practically destroyed. To a lesser extent Greece, Italy and Spain are countries where forest conservancy has been until recently woefully neglected and wholesale destruction allowed.

Owing to the length of time required to grow timber crops it may be emphasised that the policy of Government regarding forest conservancy must be continuous and should in fact be kept outside the zone of politics. A remarkable instance may be quoted in this connection. When Lord Lovat was asked by the Government of the United Kingdom at the beginning of 1920 to start forest work with a view to creating forests to supply reserves of timber, especially in case of national emergency, he replied that it was perfectly useless their thinking of doing this unless some continuity could be guaranteed. He stated that it even took four years to prepare seedlings in nursery beds before they were ready for planting out and unless some continuity was therefore guaranteed it was no good his taking up the matter. He was then asked to put up proposals as to what guarantee for continuity he would suggest. He replied that to carry out the suggested programme would cost about £350,000 a year, that the minimum guarantee which he would ask was that £3,500,000 should be voted for 10 years' work and ear-marked for him independently of any future vote of Parliament. If this were done he agreed to take up the work. This guarantee of continuity was agreed to and the Forestry Commission was consequently started in 1920.

The United States of America half a century ago had a vast area of forests, and, thinking it was quite impossible that they should be destroyed they allowed wholesale felling and burning to go on for many decades. Approximately 20 years ago the United States of America realised that their forests were rapidly disappearing and that the quantity of timber they were using was much larger than the remaining forests could yield. Many officers came to India to study the organisation of the Forest Department here, as they considered, and rightly so, that India was by far the most advanced country as regards forest conservancy outside the temperate zone. They were so satisfied then that it was essential that forests required for the nation should be a Central subject that in reserving lands for management purely as forests they had actually to take away from the individual States lands, which had been up till then administered freely by them, and make them by law into federal forests for the nation. Curiously enough the actual area of these forests in the United States of America is about 160,000,000 acres, which is practically the same area as the lands under the management of the Forest Department in the Indian Empire. It is needless to say that a strenuous campaign had to be waged before this taking away of lands from the individual States was passed into law and the arguments must indeed have been weighty for the Federal side to have won the day.

In Australia the question is different. There the States have grown up independently and they each own their forests separately. It is for that reason that forestry has been so backward in Australia and destruction until quite recently has been rampant In the past decade a good deal of forest propaganda has been done partly as a result of the Imperial Forestry Conferences and partly because it began to be realised that the management until recently had been one of destruction rather than conservation.

In Canada the main forest authority is central But in addition in some States there are State forests as well. (It may be mentioned here that it is believed that in the United States of America also some of the States are endeavouring to make State forests in addition to the national forests within their boundaries. This, of course, is all to the good.)

In South Africa, as far as is known here, the forests are entirely a central subject.

4. India is in the fortunate position of having taken the lead in the Empire in the scientific management of her forest property, and the result has been that the State has received an ever-increasing profit from the forests. In 1874 this amounted to 17 lakhs of rupees, and it has now reached the high figure of 264 lakhs (£2,000,000). Throughout this period the scientific development and improvement of the forests has gone on steadily, and we are now reaching a point when the labours of 75 years are beginning to produce the most valuable results.

5. It is, therefore, of the greatest importance that

we should, in the interests of the country, safeguard this heritage, and to do so I consider that it is essential that the control of the forest departments should remain as far as possible in the hands of the Government of India, and as a reserved subject.

6. The Reforms Enquiry Committee of 1924 recommended (page 78 of the Report) that forests should be transferred in all provinces unless any local Government could make out a convincing case against the transfer.

In all the following provinces in India, forests are of importance, judging from the area of forests and from the surplus realised from their management :—

Burma
Bombay
Madras
Bengal
Assam
United Provinces
Punjab
Central Provinces
Bihar and Orissa.

The forests of Burma and Bombay have already been transferred, and the Government of the Punjab stated that they saw no objection to forests being transferred in that province.

The other six provinces were unanimously against the transfer of forests, and it may be noted that most of the provincial Governments lay special stress on the unsympathetic attitude of the provincial legislative bodies towards forests. I have reason to believe that this is the case also in Bombay, where forests are a transferred subject.

7. If, however, the Commission consider that it is expedient that Forests should become a transferred subject everywhere, I would especially press for adequate recognition of the following important points :—

(*a*) *The control by the Central Government of recruitment and training for the forest service.*

When we realise that until quite recently all the officers of the Indian Forest Service, who have built up the present wealth of the country in forests, were recruited by the Secretary of State for the Indian Forest Service and not for provinces separately, it is difficult to imagine what numerous small services recruited under different regulations, serving under different rules, and drawing different rates of pay will be like. Officers will serve all their time in one province and their outlook and experience will become narrow and provincialised. Those provinces which offer the easiest rules and the best pay will get all the good men. It may be argued that there is no reason why the Forest Department should be different from other departments in this respect. My reply is that there is a very good reason, and that is that the life of the Forest Department does not appeal to educated Indians as do services like the Indian Civil Service, Public Works Department, and the Police. It is, therefore, essential to have well-conceived rules for recruitment and to have a central control. I know that at present we are not getting the proper stamp of men under the arrangements made by the Public Service Commission, and I think that these arrangements should be altered. I do not see how it is possible for provincial Governments, with their small cadres, to make satisfactory arrangements for themselves. I would accordingly propose that the Central Government should retain in its own hands the control of recruitment and training. Burma with its large cadre and important forest interests, and entirely different nationality, would probably be better kept separate, but the other eight provinces should have one system of recruitment and training, probably at Dehra Dun. We have an example of what has happened already where forests have been transferred, in Bombay, where there are 16 vacancies in a total cadre of 43.

(*b*) *The control by the Central Government of the power to disforest forest areas.*

By the terms of circular letter, No. 873, dated June 28th, 1921, Local Governments are empowered to sanction disforestation of reserved forests when the area to be disforested does not exceed 10 square miles in each case.

I propose that the Government of India retain in their own hands the power of sanction to disforest any area larger than one square mile. This is, I consider, necessary so that Local Governments may not be able to yield to political pressure and sanction large schemes of disforestation. I think it would also be good for the country generally if the Government of India had a deciding voice in the policy of the disposal of unclassed forest. These are of importance only in Bengal, Assam, and Burma. In Bengal and Assam at any rate I am in favour of control being exercised by the Government of India because they form a valuable national property.

(*c*) *Control by the Central Government of scientific research and of working plans.*

The basis of economic working of the forests is the compilation of sound working plans, and working plans must be drawn up in accordance with correct silvicultural principles. It has been evident of recent years that working plans are not always drawn up in provinces on sound silvicultural principles and that skilled advice is wanting. The Inspector-General of Forests, who is also now President, Forest Research Institute, is in the position, with the help of his scientific staff, of being able to offer advice on this subject, even more than he used to do, and I am in favour of all working plans being submitted to the Government of India for sanction. It is also advisable that the general policy of provinces as regards the preparation of working plans should be subject to the control of the Government of India. In this case also Burma might be an exception. At the same time the Inspector-General of Forests should have the right to tour in any part of India, and to report to the Local Government on the forests inspected. It must never be forgotten that mistakes in forest policy and management may not be apparent for many years, and will always take a long time to set right. In the meantime, crores of rupees worth of damage may have been done.

Dated October 16th, 1928.

No. 2000—HOME.

Letter from the Honble. Sir John Thompson, K.C.I.E., C.S.I., I.C.S., Chief Commissioner, Delhi, to the Secretary, Indian Statutory Commission.

Dated Delhi, the 1st March, 1929.

SIR,

It was decided in 1920 in accordance with the recommendation made in paragraph 274 of the Report on Indian Constitutional Reforms that Delhi should be represented in the Legislative Assembly by a single member elected by a general constituency.

The circumstances of the first election in December, 1920, were peculiar. There was no Hindu candidate and Sheikh Abdul Majid, a confectioner, the only candidate who came forward, was returned. In December, 1923, Lala Piyare Lal, Vakil, was elected, and in December, 1926, Lala Rang Behari Lal, Pleader. Normally, under existing conditions, a Hindu would always be returned.

In addition to the elected members, citizens of Delhi have twice been nominated to the Assembly. Rai Bahadur Mr. Raj Narayan was nominated in January, 1923, and the Reverend J. C. Chatterjee in January, 1928. The latter was nominated to represent the Indian Christian community.

In the Council of State, it has been the practice from the first to nominate the Chief Commissioner.

2. In the Legislative Assembly the Delhi Province has a larger representation in relation to the population than any other province which returns elected members. With a population of roughly half a million, it returns one elected member. Bombay comes next with 15 elected members for 19 millions, while the 45 millions of the United Provinces return only 13 members and the 34 millions of Bihar and Orissa only 9.

3. On the other hand it must be borne in mind that the Central Legislature is the local Legislature for Delhi so far as All-India legislation is concerned and that it is the Legislative Assembly which has to provide money for Delhi's needs.

Regarded in this light the population of Delhi is less strongly represented in its local Legislature than the population of any other province in India. The ratio of members (excluding officials) to the total population in the different provinces is as follows :—

Assam	1 to	178,000
Bombay	,,	200,000
Central Provinces	,,	233,000
Punjab	,,	304,000
Bihar and Orissa	,,	405,000
Madras	,,	416,000
Bengal	,,	437,000
United Provinces	,,	441,000
Delhi	,,	488,000

Judged by the test of literacy, too, the representation of the Delhi Province is far below the standard which prevails elsewhere. The number of literates per member (non-official) in the different provincial legislatures is as follows :—

Central Provinces	10,500
Assam	10,666
Punjab	12,029
United Provinces	16,471
Bombay	17,206
Bihar and Orissa	30,714
Madras	35,842
Bengal	39,719
Delhi	52,458

Literacy, it is true, is not to be found among the qualifications of electors or candidates in any province, but the standard of literacy is to some extent an index of the desire for representation. From this point of view the disparity revealed by the above figures is very marked and will probably be still more so at the next census owing to the recent introduction of compulsory education in the province.

4. The growth of Delhi's importance in the country during the past few years has been striking, both socially and politically. It is the scene of important political meetings and consultations. It now has its own university and its own Medical College for women, the finest in the country, drawing students from all parts, and the only Medical College where all the teaching is done by women. It is the chief examination centre for the Imperial Services and the head-quarters of the Punjab Chamber of Commerce. The frequent visits of the Princes for business or pleasure emphasise the Imperial importance of the city. The Delhi Horse Show is now the most important event of its kind in India, while in the realm of sport and games—polo, cricket, hockey, tennis—the position of the capital is recognised whether by the number of important events which take place there or by the gradual concentration of control at Delhi. Delhi is also the head-quarters of the Aero Club of India and has a flying club of its own. More and more Government offices are being located in Delhi and as a railway centre it is growing in importance every year. Some of these indications (and the list might be amplified) are no doubt mere straws, but it cannot be denied that Delhi as the capital is steadily coming into its own.

5. If the above considerations are of sufficient weight to establish a claim to additional representation it remains to consider in what form it should be given.

There might be :—

(1) A second elected member.
(2) A nominated member in addition to the present elected member.
(3) A University member.

Much, no doubt, depends on the nature of the recommendations which will be made by the Indian Statutory Commission in regard to the Central Legislature and I can only make definite proposals for strengthening Delhi's representation in the Central Legislature in its present form, leaving the proposals to be fitted into the future scheme as may appear best when that scheme takes shape.

I do not think the University is yet sufficiently developed or of sufficient standing to form a constituency.

I can see no convincing argument in the case of Delhi in favour of nomination to a body like the present Legislative Assembly. The important thing is to secure that both Hindus and Muhammadans shall be represented, and if one representative is to be elected the other should be elected also.

In 1921 the population of the province included 3·26 lakhs of Hindus, including Jains and Sikhs, and 1·42 lakhs of Muhammadans. At the present time there are 3,398 Hindus and 1,809 Muhammadans on the electoral roll.

Whether there should be one general constituency electing two members or two separate constituencies, one Hindu and one Muhammadan, will depend on the decision arrived at on the subject of communal representation elsewhere.

I have the honour to be, Sir,

Your most obedient servant,

(Sd.) J. P. THOMPSON,

Chief Commissioner, Delhi.

INDIAN STATUTORY COMMISSION.

INVITATION TO SUBMIT MEMORANDA.

1. The Indian Statutory Commission invites the submission of written statements or memoranda, both from official and non-official sources, from representative associations, local bodies, and responsible individuals on any of the subjects which fall within the limits of the enquiry which it is about to undertake. Before the Commission returns to India in October a programme of its sittings in various centres will have to be drawn up. The written statements or memoranda now called for should be prepared and sent to the offices of the Commission *as soon as possible* in order that the Commission may appreciate the main issues to be raised and proposals to be urged before it hereafter, and in order that it may make arrangements beforehand for the orderly conduct of its subsequent enquiry.

2. Such written statements or memoranda as are ready before the Commission leaves India on March 31st should be sent by registered post addressed to "The Indian Statutory Commission, Camp, India." After this date the Commission will maintain its own Office in India, where further memoranda will be received on its behalf. They should be sent by registered post addressed to "The Indian Statutory Commission, New Delhi Office, New Delhi," from which office they will be transmitted to the Office of the Commission in England.

3. Twelve copies of each memorandum are required in the first instance. Further copies may be called for hereafter, if the proposed Indian Committees are set up in time.

It is desirable that these memoranda should reach the Offices of the Commission as soon as possible, and in any event *not later than June 1st next*. If for any special reason particular documents cannot be delivered till later, the Commission will be glad to be informed of the circumstances and will do its best to deal with them, but the organization of the Commission's enquiry makes it essential that the written material, much of which has doubtless already been prepared, should be promptly presented.

4. The terms of reference under which the Commission is acting are as follows:—

"To enquire into the working of the system of government, the growth of education, and the development of representative institutions, in British India, and matters connected therewith,"

and

"to report as to whether and to what extent it is desirable to establish the principle of responsible government, or to extend, modify, or restrict the degree of responsible government then existing therein, including the question whether the establishment of second chambers of the local legislatures is or is not desirable."

5. The Commission has already had the advantage of informal interviews with important and representative bodies and deputations both at Delhi and in the Provinces, and has been much assisted by these interviews in appreciating the nature of some of the main questions which it will shortly begin to investigate.

6. The Appendix to this notice contains a list of some of these topics (though the list does not profess to be exhaustive), and written statements or memoranda are also invited on any other subject within the Commission's terms of reference. It will be understood that those who submit memoranda are not expected or required to deal with all the subjects mentioned in the Appendix but only such of them, or with such other subjects, as specially concern the case they are putting forward.

7. The Commission attaches special importance to the written material which it is now inviting, for in many cases the memorandum will speak for itself, while in other cases the Commission after considering the memorandum (with the assistance of Indian Committees if these are appointed) will intimate whether it desires to hear oral evidence in support of the memorandum and will endeavour to make the most convenient arrangements as to when and where this oral evidence shall be taken.

8. Every memorandum should be dated and signed by or on behalf of those who present it, and should give the address to which any communication from the Commission regarding it should be sent. As already stated, there will be many cases in which the memoranda submitted will themselves sufficiently convey to the Commission the views of those submitting them, but in cases in which it is desired to tender to the Commission oral evidence in support of any memorandum, the document should end with a clear statement giving the name and address of the witness who will be ready to come forward, if required, for examination and cross-examination.

9. Memoranda submitted in a representative capacity should contain a clear statement of the nature, extent and membership of the organization submitting them. When a statement is put forward on behalf of a class of persons, the Commission wishes to have a sufficient indication of the number of individuals who actually authorize it.

OFFICE OF INDIAN STATUTORY COMMISSION,
CAMP, INDIA,
6th March, 1928.

J. W. BHORE,
S. F. STEWART,
Secretaries.

APPENDIX.

Note (*A*).—For the purpose of illustrating the meaning of the main heads below, some of the questions arising under each are given.

Note (*B*).—Replies need not deal with the whole field covered by the heads, but should be limited to the particular matters to which it is desired to draw attention.

Note (*C*).—Suggestions for the future are invited, as well as observations upon the structure and working of the existing constitution of British India. The Commission will be specially glad to receive any draft constitutional scheme which has been worked out beyond the stage of merely general propositions.

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1. *The representative system as applied to British India, e.g.*:—

(*a*) The basis of the franchise.

(*b*) Methods of election.

(*c*) Methods whereby particular interests, communal, local, social, and economic, may obtain adequate representation on local self-governing, provincial and central representative bodies.

(*d*) The relationship between representatives and constituents.

(*e*) The growth of parties.

(*f*) The growth of informed public opinion.

(*g*) Nomination of officials and non-officials as additional members of elected bodies.

2. *The suitability of existing areas for legislative and administrative purposes and for the growth of representative institutions, e.g.* :—

(*a*) Local self-governing.

(*b*) Provincial, including the discussion of proposals for extension of self-governing institutions to other areas than the nine provinces, and of proposals for division of existing provinces.

3. *The local self-governing bodies* (*Municipalities, District Boards, etc.*) *and their relationship with the Provincial Government, e.g.* :—

(*a*) Constitution.

(*b*) Functions.

(*c*) Relationship with officials of Provincial Government.

(*d*) Control by Provincial Government.

(*e*) Finance.

4. *The Provincial Governments, e.g.* :—

(*a*) Constitution.

(*b*) Working of dyarchy.

(*c*) Position and powers of Governor.

(*d*) Position of Ministers in relation to Governor and Members of Executive Council.

(*e*) Relationship of Ministers to each other, and question of collective responsibility.

(*f*) Growth of party system in the Provincial Councils.

(*g*) Working of particular departments.

(*h*) Classification into reserved and transferred subjects.

(*i*) Desirability of Second Chambers.

(*j*) Question of provincial autonomy. [See also 6 (*a*) and (*b*).]

(*k*) Finances of Provincial Government and Financial Control. [See also 6 (*c*).]

(*l*) Financial relations between reserved and transferred sides of the Government, including the question of the joint or separate purse.

5. *The Central Government, e.g.* :—

(*a*) Constitution.

(*b*) Position and powers of the Governor-General.

(*c*) Relationship of Governor-General to his Executive Council.

(*d*) Relationship of Governor-General to the Legislative Assembly and the Council of State.

(*e*) Position of the Executive.

(*f*) Question of the responsibility of the Executive to the Legislature.

(*g*) Relationship between the two Houses.

6. *Relations between Central Government and the Provincial Government, e.g.*, in regard to—

(*a*) The extent of the power of superintendence, direction, and control to be exercised by the Central Government.

(*b*) The classification of subjects as central and provincial.

(*c*) The financial relationship between the Central and Provincial Governments, including the Meston Settlement.

7. *The Courts and the Judiciary.*

8. *The Constitutional problem in relation to such vital matters as*—

(*a*) Law and order in British India.

(*b*) Justice in British India.

(*c*) Defence of India.

(*d*) Social progress in British India.

(*e*) Federation in India.

(*f*) The status and position of India in the British Empire.

9. *The relationship between the Central Government, the Secretary of State and the British Parliament.*

10. *The position of the Services, e.g.* .—

(*a*) Indian Civil Service.

(*b*) Other All-India Services.

(*c*) Provincial Services.

(*d*) The question of recruitment and of Public Services Commissions.

(*e*) Indianization.

11. *The Growth of Education.*—The Commission will shortly be making a special announcement as to this branch of the enquiry, but it does not wish the preparation of memoranda on this important topic to be delayed. Documents dealing specifically with it should be marked " Growth of Education " in the top left-hand corner.

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